H.R. 5938: Mr. MANTON, Mr. ROSE, Mr. STOKES, Mr. HOCHBRUECKNER, Mr. HARRIS, Mr. EVANS, Mr. MAZZOLI, Mr. BLACKWELL, and Ms. HORN.

H.R. 5947: Mr. ANDERSON, Mr. ALLEN, and Mr. BAKER.

H.R. 5957: Ms. SLAUGHTER, Mr. VISCLOSKY, Mr. SAWYER, and Mr. GEJDENSON.

H.J. Res. 380: Mr. MCEWEN, Mr. MCCANDLESS, Mr. ROGERS, Mr. OXLEY, Mr. FAWELL, Mrs. LLOYD, Mr. PANETTA, Mr. AUCOIN, Mr. DORGAN of North Dakota, and Mr. ALLEN.

H.J. Res. 399: Mr. BONIOR, Mr. FAZIO, and Mr. DICKINSON.

H.J. Res. 431: Mr. SCHIFF, Mr. HAYES of Louisiana, Mr. JOHNSON of Texas, Mr. SPRATT, Mrs. PATTERSON, Mr. MCEWEN, Mr. KASICH, Mr. MCCRERY, Mr. FLAKE, Mr. CHAPMAN, Mr. WILSON, Mr. SCHUMER, Mr. JENKINS, Mr. GEPHARDT, Mr. NEAL of North Carolina, Mr. WASHINGTON, Mr. RIDGE, Mr. BAKER, Mr. FRANK of Massachusetts, and Mr. SARPALIUS.

H.J. Res. 479: Mr. BROWDER, Mr. HOBSON, Mr. CARPER, Mr. OWENS of Utah, Mr. SOLOMON, Mr. ROE, Mr. BLILEY, and Mr. MYERS of Indiana.

H.J. Res. 484: Mr. PASTOR, Mr. MAVROULES, Mr. RUSSO, Mr. ACKERMAN, Mr. COX of California, Mr. DOOLITTLE, Mr. GEREN of Texas, Mr. HOCHBRUECKNER, Mr. HUBBARD, Mr. LANTOS, Mr. LEHMAN of Florida, Mr. MARKEY, Mr. RAVENEL, Mr. ROYBAL, Mr. CONYERS, and Mr. SKEEN.

H.J. Res. 489: Mr. ALLEN, Mr. LOWERY of California, Mr. MORAN, Mr. MURPHY, Mr. ROYBAL, Mr. TORRES, Mr. BACCHUS, Mr. KANJORSKI, Mr. QUILLEN, Ms. MOLINARI, Mr. ARMEY, Mr. KOLBE, Mr. DANNEMEYER, Mr. NAGLE, Mr. KILDEE, Mr. PASTOR, Mr. ABERCROMBIE, Mr. ROSE, Mr. PALLONE, and Mr. SCHEUER.

H.J. Res. 500: Mr. ASPIN, Mr. COOPER, Mr. ERDREICH, Mr. LAGOMARSINO, Mr. MCEWEN, Mr. NOWAK, Mr. PETERSON of Minnesota, Mr. SHARP, Mr. SMITH of Texas, Mr. YOUNG of Alaska, and Mr. DREIER of California.

H.J. Res. 531: Mr. MCCOLLUM, Mr. CLEMENT, Mr. BURTON of Indiana, Mr. MARTINEZ, Mr. MCDERMOTT, Mr. BACCHUS, and Mr. HAYES of Illinois.

H.J. Res. 534: Ms. MOLINARI, Mr. ROTH, Mr. WILSON, and Mr. HUTTO.

H.J. Res. 538: Mr. LEWIS of Florida, Mr. SKEEN, Mr. DYMALLY, Mr. FAZIO, Ms. MOLINARI, Mr. OLVER, Mr. DE LA GARZA, and Mr. NEAL of Massachusetts.

H.J. Res. 540: Mr. BUSTAMANTE, Mr. TANNER, and Mr. BILIRAKIS.

H.J. Res. 543: Mr. MORAN, Mr. HALL of Ohio, Mr. SOLOMON, Mr. KLUG, Mr. FISH, Mr. ERDREICH, Ms. NORTON, Mr. MCNULTY, Mr. BACCHUS, Mr. LAGOMARSINO, Mr. DEFAZIO, Mrs. BYRON, Mr. LIPINSKI, Mr. KLECZKA, Mr. JONTZ, Mr. ANNUNZIO, Mr. BUSTAMANTE, Mr. FAWELL, Mr. DIXON, Mr. PRICE, Mr. SABO, Mr. EMERSON, Mr. CRAMER, Mr. FLAKE, Ms. KAPTUR, Mr. DOOLITTLE, Mr. WAXMAN, Mr. DUNCAN, Mr. MCDERMOTT, Mr. WILSON, Mr. CONYERS, Mr. SPRATT, Mr. STALLINGS, Mr. SANDERS, Mr. FOGLIETTA, and Mr. HORTON.

H.J. Res. 546: Mr. BLACKWELL, Mr. DOWNEY, Mr. GALLO, Mr. IRELAND, Mr. JONES of Georgia, Mr. KOSTMAYER, Mr. LEACH, Mr. MCDERMOTT, Mr. MCHUGH, Mr. SMITH of Florida, Mr. VOLKMER, Mr. WYDEN, Mr. KILDEE, Mr. COLORADO, Mr. MOAKLEY, Mr. MURTHA, Mr. THOMAS of Georgia, Mr. CALLAHAN, Mr. SPENCE, Mr. MANTON, Mr. WILSON, Mr. WYLIE, Mrs. BYRON, Mrs. LOWEY of New York, Mr. BROWN, Mr. JOHNSON of South Dakota, Mr. CHANDLER, Mr. KENNEDY, Mr. HUTTO, Mr. ABERCROMBIE, Mr. JENKINS, Mr. JEFFERSON, Mr. STENHOLM, and Mr. PASTOR.

H.J. Res. 551: Mrs. MORELLA, Mr. GALLO, Mrs. ROUKEMA, Mr. SMITH of New Jersey, Mr. DICKINSON, Mr. HYDE, Mr. DOOLITTLE, Mr. BACCHUS, Mr. PARKER, Mr. PANETTA, Mr. ROE, Mr. MONTGOMERY, Mr. JOHNSON of South Dakota, Mr. MAZZOLI, Mr. LIPINSKI, Mr. BEILENSON, Mr. MORAN, Mr. DYMALLY, Mr. MARTINEZ, Mr. WALSH, Mr. WOLF, Mr. GONZALEZ, Mr. SPRATT, Ms. NORTON, Mr. MCCLOSKEY, Mr. HOCHBRUECKNER, Mr. BEVILL, Mr. VISCLOSKY, Mr. HALL of Texas, Mr. LEHMAN of Florida, Mr. CLINGER, Mr. BILIRAKIS, Mr. DONNELLY, Mr. LEWIS of Florida, Mrs. BYRON, Mr. HUTTO, Mrs. UNSOELD, and Mr. SHAW.

H. Con. Res. 254: Mr. BORSKI.

H. Con. Res. 344: Mr. GREEN of New York, Mr. CARPER, and Mr. SAWYER.

H. Con. Res. 354: Mr. AUCOIN, Mr. BILIRAKIS, Ms. DELAURO, Mr. DOOLEY, Mr. EMERSON, Mr. ENGEL, Mr. ERDREICH, Mr. FAZIO, Mr. GOODLING, Mr. HASTERT, Mr. KILDEE, Mr. LANCASTER, Mr. SKEEN, Mr. SMITH of Texas, Mr. SOLARZ, Mr. STUMP, Mr. VANDER JAGT, and Mr. WILSON.

H. Res. 515: Mr. LEVIN of Michigan, Mr. SAWYER, Ms. HORN, and Mr. MOODY.

WEDNESDAY, SEPTEMBER 23, 1992 (111)

The House was called to order by the SPEAKER.

¶111.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Tuesday, September 23, 1992.

Pursuant to clause 1, rule I, the Journal was approved.

¶111.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 2, rule XXIV, were referred as follows:

4303. A letter from the Board of Governors, Federal Reserve System, transmitting the Board's third annual report on the assessment of the profitability of credit card operations of depository institutions, pursuant to 15 U.S.C. 1637; to the Committee on Banking, Finance and Urban Affairs.

4304. A letter from the Secretary of Education, transmitting notice of Final Priorities—Educational Media Research, Production, Distribution, and Training Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

4305. A letter from the Secretary, Department of Health and Human Services, transmitting the eighth report on the Status of Health Personnel in the United States Health Professions, pursuant to 42 U.S.C. 292h(d)(1), (2); to the Committee on Energy and Commerce.

4306. A letter from the Secretary of Transportation, transmitting the annual report on Transportation User Fees, pursuant to 45 U.S.C. 421 et seq.; to the Committee on Energy and Commerce.

4307. A letter from the Chairman, Securities and Exchange Commission, transmitting the 21st annual report of the Securities Investor Protection Corporation for the year 1991, pursuant to 15 U.S.C. 78ggg(c)(2); to the Committee on Energy and Commerce.

4308. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions of Marshall Fletcher McCallie, of Tennessee, to be Ambassador to the Republic of Namibia; and of Mark Johnson, of Montana, to be Ambassador to the Republic of Senegal, and members of their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

4309. A letter from the Acting Secretary, Department of the Navy, transmitting the Department's report pursuant to section 27(e) of the Office of Federal Procurement Policy Act (42 U.S.C. 423); to the Committee on Government Operations.

4310. A letter from the Deputy Administrator, General Services Administration, transmitting an informational copy of a lease prospectus, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

4311. A letter from the Deputy Administrator, General Services Administration, transmitting an informational copy of a lease prospectus, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

4312. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a letter from the Chief of Engineers, Department of the Army, dated November 19, 1991, submitting a report together with accompanying papers and illustrations (H. Doc. 102–393); to the Committee on Public Works and Transportation and ordered to be printed.

4313. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a letter from the Chief of Engineers, Department of the Army, dated June 1, 1992, submitting a report together with accompanying papers and illustrations (H. Doc. 102–394); to the Committee on Public Works and Transportation and ordered to be printed.

4314. A letter from the Secretary, Department of Commerce, transmitting a report in response to inspector general's Report No. ATD–024–0–001; and modernization and business plans for the National Technical Information Service, pursuant to Public Law 102–245, section 103(d) (106 Stat. 8); to the Committee on Science, Space, and Technology.

4315. A letter from the Chairman, Investment Policy Advisory Committee, transmitting the report of the Investment Policy Advisory Committee on the Investment Chapter of the North American Free-Trade Agreement; to the Committee on Ways and Means.

4316. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to protect the security of National Reconnaissance Office operations, and for other purposes; jointly, to the Committees on Government Operations, Armed Services, and the Permanent Select Committee on Intelligence.

¶111.3 WAIVING POINTS OF ORDER AGAINST THE CONFERENCE REPORT ON H.R. 2194

Mr. BEILENSON, by direction of the Committee on Rules, called up the following resolution (H. Res. 576):

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2194) to amend the Solid Waste Disposal Act to clarify provisions concerning the application of certain requirements and sanctions to Federal facilities. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

When said resolution was considered.

By unanimous consent, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶111.4 SOLID WASTE DISPOSAL

Mr. SWIFT, pursuant to House Resolution 576, called up the following conference report (Rept. No. 102–886):

The committee of conference on the disagreeing votes of the two Houses on the

amendment of the Senate to the bill (H.R. 2194) to amend the Solid Waste Disposal Act to clarify provisions concerning the application of certain requirements and sanctions to Federal facilities, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

TITLE I—FEDERAL FACILITY COMPLIANCE ACT

SEC. 101. SHORT TITLE.

This title may be cited as the ''Federal Facility Compliance Act of 1992''.

SEC. 102. APPLICATION OF CERTAIN PROVISIONS TO FEDERAL FACILITIES.

(a) IN GENERAL.—Section 6001 of the Solid Waste Disposal Act (42 U.S.C. 6961) is amended—

(1) by inserting ''(a) IN GENERAL.—'' after ''6001.'';

(2) in the first sentence, by inserting ''and management'' before ''in the same manner'';

(3) by inserting after the first sentence the following: ''The Federal, State, interstate, and local substantive and procedural requirements referred to in this subsection include, but are not limited to, all administrative orders and all civil and administrative penalties and fines, regardless of whether such penalties or fines are punitive or coercive in nature or are imposed for isolated, intermittent, or continuing violations. The United States hereby expressly waives any immunity otherwise applicable to the United States with respect to any such substantive or procedural requirement (including, but not limited to, any injunctive relief, administrative order or civil or administrative penalty or fine referred to in the preceding sentence, or reasonable service charge). The reasonable service charges referred to in this subsection include, but are not limited to, fees or charges assessed in connection with the processing and issuance of permits, renewal of permits, amendments to permits, review of plans, studies, and other documents, and inspection and monitoring of facilities, as well as any other nondiscriminatory charges that are assessed in connection with a Federal, State, interstate, or local solid waste or hazardous waste regulatory program.''; and

(4) by inserting after the second sentence the following: ''No agent, employee, or officer of the United States shall be personally liable for any civil penalty under any Federal, State, interstate, or local solid or hazardous waste law with respect to any act or omission within the scope of the official duties of the agent, employee, or officer. An agent, employee, or officer of the United States shall be subject to any criminal sanction (including, but not limited to, any fine or imprisonment) under any Federal or State solid or hazardous waste law, but no department, agency, or instrumentality of the executive, legislative, or judicial branch of the Federal Government shall be subject to any such sanction.''.

(b) ADMINISTRATIVE ENFORCEMENT ACTIONS.—Such section is further amended by adding at the end the following new subsections:

''(b) ADMINISTRATIVE ENFORCEMENT ACTIONS.—(1) The Administrator may commence an administrative enforcement action against any department, agency, or instrumentality of the executive, legislative, or judicial branch of the Federal Government pursuant to the enforcement authorities contained in this Act. The Administrator shall initiate an administrative enforcement action against such a department, agency, or instrumentality in the same manner and under the same circumstances as an action would be initiated against another person. Any voluntary resolution or settlement of such an action shall be set forth in a consent order.

''(2) No administrative order issued to such a department, agency, or instrumentality shall become final until such department, agency, or instrumentality has had the opportunity to confer with the Administrator.

''(c) LIMITATION ON STATE USE OF FUNDS COLLECTED FROM FEDERAL GOVERNMENT.—Unless a State law in effect on the date of the enactment of the Federal Facility Compliance Act of 1992 or a State constitution requires the funds to be used in a different manner, all funds collected by a State from the Federal Government from penalties and fines imposed for violation of any substantive or procedural requirement referred to in subsection (a) shall be used by the State only for projects designed to improve or protect the environment or to defray the costs of environmental protection or enforcement.''.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in paragraphs (2) and (3), the amendments made by subsection (a) shall take effect upon the date of the enactment of this Act.

(2) DELAYED EFFECTIVE DATE FOR CERTAIN MIXED WASTE.—Until the date that is 3 years after the date of the enactment of this Act, the waiver of sovereign immunity contained in section 6001(a) of the Solid Waste Disposal Act with respect to civil, criminal, and administrative penalties and fines (as added by the amendments made by subsection (a)) shall not apply to departments, agencies, and instrumentalities of the executive branch of the Federal Government for violations of section 3004(j) of the Solid Waste Disposal Act involving storage of mixed waste that is not subject to an existing agreement, permit, or administrative or judicial order, so long as such waste is managed in compliance with all other applicable requirements.

(3) EFFECTIVE DATE FOR CERTAIN MIXED WASTE.—(A) Except as provided in subparagraph (B), after the date that is 3 years after the date of the enactment of this Act, the waiver of sovereign immunity contained in section 6001(a) of the Solid Waste Disposal Act with respect to civil, criminal, and administrative penalties and fines (as added by the amendments made by subsection (a)) shall apply to departments, agencies, and instrumentalities of the executive branch of the Federal Government for violations of section 3004(j) of the Solid Waste Disposal Act involving storage of mixed waste.

(B) With respect to the Department of Energy, the waiver of sovereign immunity referred to in subparagraph (A) shall not apply after the date that is 3 years after the date of the enactment of this Act for violations of section 3004(j) of such Act involving storage of mixed waste, so long as the Department of Energy is in compliance with both—

(i) a plan that has been submitted and approved pursuant to section 3021(b) of the Solid Waste Disposal Act and which is in effect; and

(ii) an order requiring compliance with such plan which has been issued pursuant to such section 3021(b) and which is in effect.

(4) APPLICATION OF WAIVER TO AGREEMENTS AND ORDERS.—The waiver of sovereign immunity contained in section 6001(a) of the Solid Waste Disposal Act (as added by the amendments made by subsection (a)) shall take effect on the date of the enactment of this Act with respect to any agreement, permit, or administrative or judicial order existing on such date of enactment (and any subsequent modifications to such an agreement, permit, or order), including, without limitation, any provision of an agreement, permit, or order that addresses compliance with section 3004(j) of such Act with respect to mixed waste.

(5) AGREEMENT OR ORDER.—Except as provided in paragraph (4), nothing in this Act shall be construed to alter, modify, or change in any manner any agreement, permit, or administrative or judicial order, including, without limitation, any provision of an agreement, permit, or order—

(i) that addresses compliance with section 3004(j) of the Solid Waste Disposal Act with respect to mixed waste;

(ii) that is in effect on the date of enactment of this Act; and

(iii) to which a department, agency, or instrumentality of the executive branch of the Federal Government is a party.

SEC. 103. DEFINITION OF PERSON.

Section 1004(15) of the Solid Waste Disposal Act (42 U.S.C. 6903(15)) is amended by adding the following before the period: ''and shall include each department, agency, and instrumentality of the United States''.

SEC. 104. FACILITY ENVIRONMENTAL ASSESSMENTS.

Section 3007(c) of the Solid Waste Disposal Act (42 U.S.C. 6927(c)) is amended as follows:

(1) The first sentence is amended by striking out ''Beginning'' and all that follows through ''undertake'' and inserting in lieu thereof ''The Administrator shall undertake''.

(2) The first sentence is further amended by striking out ''Federal agency'' and inserting in lieu thereof ''department, agency, or instrumentality of the United States''.

(3) The section is further amended by inserting after the first sentence the following new sentence: ''Any State with an authorized hazardous waste program also may conduct an inspection of any such facility for purposes of enforcing the facility's compliance with the State hazardous waste program.''.

(4) The section is further amended by adding at the end the following: ''The department, agency, or instrumentality owning or operating each such facility shall reimburse the Environmental Protection Agency for the costs of the inspection of the facility. With respect to the first inspection of each such facility occurring after the date of the enactment of the Federal Facility Compliance Act of 1992, the Administrator shall conduct a comprehensive ground water monitoring evaluation at the facility, unless such an evaluation was conducted during the 12-month period preceding such date of enactment.''.

SEC. 105. MIXED WASTE INVENTORY REPORTS AND PLAN.

(a) MIXED WASTE AMENDMENT.—(1) Subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.) is amended by adding at the end the following new section:

''SEC. 3021. MIXED WASTE INVENTORY REPORTS AND PLAN.

''(a) MIXED WASTE INVENTORY REPORTS.—

''(1) REQUIREMENT.—Not later than 180 days after the date of the enactment of the Federal Facility Compliance Act of 1992, the Secretary of Energy shall submit to the Administrator and to the Governor of each State in which the Department of Energy stores or generates mixed wastes the following reports:

''(A) A report containing a national inventory of all such mixed wastes, regardless of the time they were generated, on a State-by-State basis.

''(B) A report containing a national inventory of mixed waste treatment capacities and technologies.

''(2) INVENTORY OF WASTES.— The report required by paragraph (1)(A) shall include the following:

''(A) A description of each type of mixed waste at each Department of Energy facility in each State, including, at a minimum, the name of the waste stream.

''(B) The amount of each type of mixed waste currently stored at each Department of Energy facility in each State, set forth separately by mixed waste that is subject to the land disposal prohibition requirements of section 3004 and mixed waste that is not subject to such prohibition requirements.

''(C) An estimate of the amount of each type of mixed waste the Department expects to generate in the next 5 years at each Department of Energy facility in each State.

''(D) A description of any waste minimization actions the Department has implemented at each Department of Energy facility in each State for each mixed waste stream.

''(E) The EPA hazardous waste code for each type of mixed waste containing waste that has been characterized at each Department of Energy facility in each State.

''(F) An inventory of each type of waste that has not been characterized by sampling and analysis at each Department of Energy facility in each State.

''(G) The basis for the Department's determination of the applicable hazardous waste code for each type of mixed waste at each Department of Energy facility and a description of whether the determination is based on sampling and analysis conducted on the waste or on the basis of process knowledge.

''(H) A description of the source of each type of mixed waste at each Department of Energy facility in each State.

''(I) The land disposal prohibition treatment technology or technologies specified for the hazardous waste component of each type of mixed waste at each Department of Energy facility in each State.

''(J) A statement of whether and how the radionuclide content of the waste alters or affects use of the technologies described in subparagraph (I).

''(3) INVENTORY OF TREATMENT CAPACITIES AND TECHNOLOGIES.—The report required by paragraph (1)(B) shall include the following:

''(A) An estimate of the available treatment capacity for each waste described in the report required by paragraph (1)(A) for which treatment technologies exist.

''(B) A description, including the capacity, number and location, of each treatment unit considered in calculating the estimate under subparagraph (A).

''(C) A description, including the capacity, number and location, of any existing treatment unit that was not considered in calculating the estimate under subparagraph (A) but that could, alone or in conjunction with other treatment units, be used to treat any of the wastes described in the report required by paragraph (1)(A) to meet the requirements of regulations promulgated pursuant to section 3004(m).

''(D) For each unit listed in subparagraph (C), a statement of the reasons why the unit was not included in calculating the estimate under subparagraph (A).

''(E) A description, including the capacity, number, location, and estimated date of availability, of each treatment unit currently proposed to increase the treatment capacities estimated under subparagraph (A).

''(F) For each waste described in the report required by paragraph (1)(A) for which the Department has determined no treatment technology exists, information sufficient to support such determination and a description of the technological approaches the Department anticipates will need to be developed to treat the waste.

''(4) COMMENTS AND REVISIONS.—Not later than 90 days after the date of the submission of the reports by the Secretary of Energy under paragraph (1), the Administrator and each State which received the reports shall submit any comments they may have concerning the reports to the Department of Energy. The Secretary of Energy shall consider and publish the comments prior to publication of the final report.

''(5) REQUESTS FOR ADDITIONAL INFORMATION.—Nothing in this subsection limits or restricts the authority of States or the Administrator to request additional information from the Secretary of Energy.

''(b) PLAN FOR DEVELOPMENT OF TREATMENT CAPACITIES AND TECHNOLOGIES.—

''(1) PLAN REQUIREMENT.—(A)(i) For each facility at which the Department of Energy generates or stores mixed wastes, except any facility subject to a permit, agreement, or order described in clause (ii), the Secretary of Energy shall develop and submit, as provided in paragraph (2), a plan for developing treatment capacities and technologies to treat all of the facility's mixed wastes, regardless of the time they were generated, to the standards promulgated pursuant to section 3004(m).

''(ii) Clause (i) shall not apply with respect to any facility subject to any permit establishing a schedule for treatment of such wastes, or any existing agreement or administrative or judicial order governing the treatment of such wastes, to which the State is a party.

''(B) Each plan shall contain the following:

''(i) For mixed wastes for which treatment technologies exist, a schedule for submitting all applicable permit applications, entering into contracts, initiating construction, conducting systems testing, commencing operations, and processing backlogged and currently generated mixed wastes.

''(ii) For mixed wastes for which no treatment technologies exist, a schedule for identifying and developing such technologies, identifying the funding requirements for the identification and development of such technologies, submitting treatability study exemptions, and submitting research and development permit applications.

''(iii) For all cases where the Department proposes radionuclide separation of mixed wastes, or materials derived from mixed wastes, it shall provide an estimate of the volume of waste generated by each case of radionuclide separation, the volume of waste that would exist or be generated without radionuclide separation, the estimated costs of waste treatment and disposal if radionuclide separation is used compared to the estimated costs if it is not used, and the assumptions underlying such waste volume and cost estimates.

''(C) A plan required under this subsection may provide for centralized, regional, or onsite treatment of mixed wastes, or any combination thereof.

''(2) REVIEW AND APPROVAL OF PLAN.—(A) For each facility that is located in a State (i) with authority under State law to prohibit land disposal of mixed waste until the waste has been treated and (ii) with both authority under State law to regulate the hazardous components of mixed waste and authorization from the Environmental Protection Agency under section 3006 to regulate the hazardous components of mixed waste, the Secretary of Energy shall submit the plan required under paragraph (1) to the appropriate State regulatory officials for their review and approval, modification, or disapproval. In reviewing the plan, the State shall consider the need for regional treatment facilities. The State shall consult with the Administrator and any other State in which a facility affected by the plan is located and consider public comments in making its determination on the plan. The State shall approve, approve with modifications, or disapprove the plan within 6 months after receipt of the plan.

''(B) For each facility located in a State that does not have the authority described in subparagraph (A), the Secretary shall submit the plan required under paragraph (1) to the Administrator of the Environmental Protection Agency for review and approval, modification, or disapproval. A copy of the plan also shall be provided by the Secretary to the State in which such facility is located. In reviewing the plan, the Administrator shall consider the need for regional treatment facilities. The Administrator shall consult with the State or States in which any facility affected by the plan is located and consider public comments in making a determination on the plan. The Administrator shall approve, approve with modifications, or disapprove the plan within 6 months after receipt of the plan.

''(C) Upon the approval of a plan under this paragraph by the Administrator or a State, the Administrator shall issue an order under section 3008(a), or the State shall issue an order under appropriate State authority, requiring compliance with the approved plan.

''(3) PUBLIC PARTICIPATION.—Upon submission of a plan by the Secretary of Energy to the Administrator or a State, and before approval of the plan by the Administrator or a State, the Administrator or State shall publish a notice of the availability of the submitted plan and make such submitted plan available to the public on request.

''(4) REVISIONS OF PLAN.—If any revisions of an approved plan are proposed by the Secretary of Energy or required by the Administrator or a State, the provisions of paragraphs (2) and (3) shall apply to the revisions in the same manner as they apply to the original plan.

''(5) WAIVER OF PLAN REQUIREMENT.—(A) A State may waive the requirement for the Secretary of Energy to develop and submit a plan under this subsection for a facility located in the State if the State (i) enters into an agreement with the Secretary of Energy that addresses compliance at that facility with section 3004(j) with respect to mixed waste, and (ii) issues an order requiring compliance with such agreement and which is in effect.

''(B) Any violation of an agreement or order referred to in subparagraph (A) is subject to the waiver of sovereign immunity contained in section 6001(a).

''(c) SCHEDULE AND PROGRESS REPORTS.—

''(1) SCHEDULE.—Not later than 6 months after the date of the enactment of the Federal Facility Compliance Act of 1992, the Secretary of Energy shall publish in the Federal Register a schedule for submitting the plans required under subsection (b).

''(2) PROGRESS REPORTS.—(A) Not later than the deadlines specified in subparagraph (B), the Secretary of Energy shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a progress report containing the following:

''(i) An identification, by facility, of the plans that have been submitted to States or the Administrator of the Environmental Protection Agency pursuant to subsection (b).

''(ii) The status of State and Environmental Protection Agency review and approval of each such plan.

''(iii) The number of orders requiring compliance with such plans that are in effect.

''(iv) For the first 2 reports required under this paragraph, an identification of the plans required under such subsection (b) that the Secretary expects to submit in the 12-month period following submission of the report.

''(B) The Secretary of Energy shall submit a report under subparagraph (A) not later than 12 months after the date of the enactment of the Federal Facility Compliance Act if 1992, 24 months after such date, and 36 months after such date.''.

(2) The table of contents for subtitle C of the Solid Waste Disposal Act (contained in section 1001) is amended by adding at the end the following new item:

''Sec. 3021. Mixed waste inventory reports and plan.''.

(b) DEFINITION.—Section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6902) is amended by adding at the end the following new paragraph:

''(41) The term 'mixed waste' means waste that contains both hazardous waste and source, special nuclear, or by-product material subject to the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).''.

(c) GAO REPORT.—

(1) REQUIREMENT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the Department of Energy's progress in complying with section 3021(b) of the Solid Waste Disposal Act.

(2) MATTERS TO BE INCLUDED.—The report required under paragraph (1) shall contain, at a minimum, the following:

(A) The Department of Energy's progress in submitting to the States or the Administrator of the Environmental Protection Agency a plan for each facility for which a plan is required under section 3021(b) of the Solid Waste Disposal Act and the status of State or Environmental Protection Agency review and approval of each such plan.

(B) The Department of Energy's progress in entering into orders requiring compliance with any such plans that have been approved.

(C) An evaluation of the completeness and adequacy of each such plan as of the date of submission of the report required under paragraph (1).

(D) An identification of any recurring problems among the Department of Energy's submitted plans.

(E) A description of treatment technologies and capacity that have been developed by the Department of Energy since the date of the enactment of this Act and a list of the wastes that are expected to be treated by such technologies and the facilities at which the wastes are generated or stored.

(F) The progress made by the Department of Energy in characterizing its mixed waste streams at each such facility by sampling and analysis.

(G) An identification and analysis of additional actions that the Department of Energy must take to—

(i) complete submission of all plans required under such section 3021(b) for all such facilities;

(ii) obtain the adoption of orders requiring compliance with all such plans; and

(iii) develop mixed waste treatment capacity and technologies.

SEC. 106. PUBLIC VESSELS.

(a) AMENDMENT.—Subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.) is further amended by adding at the end the following new section:

''SEC. 3022. PUBLIC VESSELS.

''(a) WASTE GENERATED ON PUBLIC VESSELS.—Any hazardous waste generated on a public vessel shall not be subject to the storage, manifest, inspection, or recordkeeping requirements of this Act until such waste is transferred to a shore facility, unless—

''(1) the waste is stored on the public vessel for more than 90 days after the public vessel is placed in reserve or is otherwise no longer in service; or

''(2) the waste is transferred to another public vessel within the territorial waters of the United States and is stored on such vessel or another public vessel for more than 90 days after the date of transfer.

''(b) COMPUTATION OF STORAGE PERIOD.—For purposes of subsection (a), the 90-day period begins on the earlier of—

''(1) the date on which the public vessel on which the waste was generated is placed in reserve or is otherwise no longer in service; or

''(2) the date on which the waste is transferred from the public vessel on which the waste was generated to another public vessel within the territorial waters of the United States;

and continues, without interruption, as long as the waste is stored on the original public vessel (if in reserve or not in service) or another public vessel.

''(c) DEFINITIONS.— For purposes of this section:

''(1) The term 'public vessel' means a vessel owned or bareboat chartered and operated by the United States, or by a foreign nation, except when the vessel is engaged in commerce.

''(2) The terms 'in reserve' and 'in service' have the meanings applicable to those terms under section 7293 and sections 7304 through 7308 of title 10, United States Code, and regulations prescribed under those sections.

''(d) RELATIONSHIP TO OTHER LAW.—Nothing in this section shall be construed as altering or otherwise affecting the provisions of section 7311 of title 10, United States Code.''.

(b) TECHNICAL AMENDMENT.—The table of contents for subtitle C of such Act (contained in section 1001) is further amended by adding at the end the following new item:

''Sec. 3022. Public vessels.''.

SEC. 107. MUNITIONS.

Section 3004 of the Solid Waste Disposal Act (42 U.S.C. 6924) is amended by adding at the end the following new subsection:

''(y) MUNITIONS.—(1) Not later than 6 months after the date of the enactment of the Federal Facility Compliance Act of 1992, the Administrator shall propose, after consulting with the Secretary of Defense and appropriate State officials, regulations identifying when military munitions become hazardous waste for purposes of this subtitle and providing for the safe transportation and storage of such waste. Not later than 24 months after such date, and after notice and opportunity for comment, the Administrator shall promulgate such regulations. Any such regulations shall assure protection of human health and the environment.

''(2) For purposes of this subsection, the term 'military munitions' includes chemical and conventional munitions.''.

SEC. 108. FEDERALLY OWNED TREATMENT WORKS.

(a) AMENDMENT.—Subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.) is further amended by adding at the end the following new section:

''SEC. 3023. FEDERALLY OWNED TREATMENT WORKS.

''(a) IN GENERAL.—For purposes of section 1004(27), the phrase 'but does not include solid or dissolved material in domestic sewage' shall apply to any solid or dissolved material introduced by a source into a federally owned treatment works if—

''(1) such solid or dissolved material is subject to a pretreatment standard under section 307 of the Federal Water Pollution Control Act (33 U.S.C. 1317), and the source is in compliance with such standard;

''(2) for a solid or dissolved material for which a pretreatment standard has not been promulgated pursuant to section 307 of the Federal Water Pollution Control Act (33 U.S.C. 1317), the Administrator has promulgated a schedule for establishing such a pretreatment standard which would be applicable to such solid or dissolved material not later than 7 years after the date of enactment of this section, such standard is promulgated on or before the date established in the schedule, and after the effective date of such standard the source is in compliance with such standard;

''(3) such solid or dissolved material is not covered by paragraph (1) or (2) and is not prohibited from land disposal under subsections (d), (e), (f), or (g) of section 3004 because such material has been treated in accordance with section 3004(m); or

''(4) notwithstanding paragraphs (1), (2), or (3), such solid or dissolved material is generated by a household or person which generates less than 100 kilograms of hazardous waste per month unless such solid or dissolved material would otherwise be an acutely hazardous waste and subject to standards, regulations, or other requirements under this Act notwithstanding the quantity generated.

''(b) PROHIBITION.—It is unlawful to introduce into a federally owned treatment works any pollutant that is a hazardous waste.

''(c) ENFORCEMENT.—(1) Actions taken to enforce this section shall not require closure of a treatment works if the hazardous waste is removed or decontaminated and such removal or decontamination is adequate, in the discretion of the Administrator or, in the case of an authorized State, of the State, to protect human health and the environment.

''(2) Nothing in this subsection shall be construed to prevent the Administrator or an authorized State from ordering the closure of a treatment works if the Administrator or State determines such closure is necessary for protection of human health and the environment.

''(3) Nothing in this subsection shall be construed to affect any other enforcement authorities available to the Administrator or a State under this subtitle.

''(d) DEFINITION.—For purposes of this section, the term 'federally owned treatment works' means a facility that is owned and operated by a department, agency, or instrumentality of the Federal Government treating wastewater, a majority of which is domestic sewage, prior to discharge in accordance with a permit issued under section 402 of the Federal Water Pollution Control Act.

''(e) SAVINGS CLAUSE.—Nothing in this section shall be construed as affecting any agreement, permit, or administrative or judicial order, or any condition or requirement contained in such an agreement, permit, or order, that is in existence on the date of the enactment of this section and that requires corrective action or closure at a federally owned treatment works or solid waste management unit or facility related to such a treatment works.''.

(b) TECHNICAL AMENDMENT.—The table of contents for subtitle C of such Act (contained in section 1001) is further amended by adding at the end the following new item:

''Sec. 3023. Federally owned treatment works.''.

SEC. 109. SMALL TOWN ENVIRONMENTAL PLANNING.

(a) ESTABLISHMENT.—The Administrator of the Environmental Protection Agency (hereafter referred to as the ''Administrator'') shall establish a program to assist small communities in planning and financing environmental facilities. The program shall be known as the ''Small Town Environmental Planning Program''.

(b) SMALL TOWN ENVIRONMENTAL PLANNING TASK FORCE.—(1) The Administrator shall establish a Small Town Environmental Planning Task Force which shall be composed of

representatives of small towns from different areas of the United States, Federal and State governmental agencies, and public interest groups. The Administrator shall terminate the Task Force not later than 2 years after the establishment of the Task Force.

(2) The Task Force shall—

(A) identify regulations developed pursuant to Federal environmental laws which pose significant compliance problems for small towns;

(B) identify means to improve the working relationship between the Environmental Protection Agency (hereafter referred to as the Agency) and small towns;

(C) review proposed regulations for the protection of the environmental and public health and suggest revisions that could improve the ability of small towns to comply with such regulations;

(D) identify means to promote regionalization of environmental treatment systems and infrastructure serving small towns to improve the economic condition of such systems and infrastructure; and

(E) provide such other assistance to the Administrator as the Administrator deems appropriate.

(c) IDENTIFICATION OF ENVIRONMENTAL REQUIREMENTS.—(1) Not later than 6 months after the date of the enactment of this Act, the Administrator shall publish a list of requirements under Federal environmental and public health statutes (and the regulations developed pursuant to such statutes) applicable to small towns. Not less than annually, the Administrator shall make such additions and deletions to and from the list as the Administrator deems appropriate.

(2) The Administrator shall, as part of the Small Town Environmental Planning Program under this section, implement a program to notify small communities of the regulations identified under paragraph (1) and of future regulations and requirements through methods that the Administrator determines to be effective to provide information to the greatest number of small communities, including any of the following:

(A) Newspapers and other periodicals.

(B) Other news media.

(C) Trade, municipal, and other associations that the Administrator determines to be appropriate.

(D) Direct mail.

(d) SMALL TOWN OMBUDSMAN.—The Administrator shall establish and staff an Office of the Small Town Ombudsman. The Office shall provide assistance to small towns in connection with the Small Town Environmental Planning Program and other business with the Agency. Each regional office shall identify a small town contact. The Small Town Ombudsman and the regional contacts also may assist larger communities, but only if first priority is given to providing assistance to small towns.

(e) MULTI-MEDIA PERMITS.—(1) The Administrator shall conduct a study of establishing a multi-media permitting program for small towns. Such evaluation shall include an analysis of—

(A) environmental benefits and liabilities of a multi-media permitting program;

(B) the potential of using such a program to coordinate a small town's environmental and public health activities; and

(C) the legal barriers, if any, to the establishment of such a program.

(2) Within 3 years after the date of enactment of this Act, the Administrator shall report to Congress on the results of the evaluation performed in accordance with paragraph (1). Included in this report shall be a description of the activities conducted pursuant to subsections (a) through (d).

(f) DEFINITION.—For purposes of this section, the term ''small town'' means an incorporated or unincorporated community (as defined by the Administrator) with a population of less than 2,500 individuals.

(g) AUTHORIZATION.—There is authorized to be appropriated the sum of $500,000 to implement this section.

SEC. 110. CHIEF FINANCIAL OFFICER REPORT.

The Chief Financial Officer of each affected agency shall submit to Congress an annual report containing, to the extent practicable, a detailed description of the compliance activities undertaken by the agency for mixed waste streams, and an accounting of the fines and penalties imposed on the agency for violations involving mixed waste.

TITLE II—METROPOLITAN WASHINGTON WASTE MANAGEMENT STUDY ACT

SEC. 201. SHORT TITLE.

This title may be cited as the ''Metropolitan Washington Waste Management Study Act''.

SEC. 202. FINDINGS.

The Congress finds that the I–95 Sanitary Landfill, in Lorton, Virginia, is located on Federal land, and the ultimate responsibility for maintaining environmental integrity at such landfill is on the Federal Government, as well as the signatories to the July 1981 I–95 Sanitary Landfill Memorandum of Understanding.

SEC. 203. ENVIRONMENTAL IMPACT STATEMENT

(a) ENVIRONMENTAL IMPACT STATEMENT.—Except as provided in subsection (b), in order to assure environmental integrity in and around properties owned by the Government of the United States, no expansion of the I–95 Sanitary Landfill shall be permitted or otherwise authorized unless—

(1) an environmental impact statement, pursuant to the National Environmental Policy Act, regarding any such proposed expansion has been completed and approved by the Administrator; and

(2) the costs incurred in conducting and completing such environmental impact statement are paid (A) from the landfill's so-called enterprise fund established pursuant to the July 1981 I–95 Sanitary Landfill Memorandum of Understanding, or (B) in accordance with some other payment formula based on past and projected percentage of the jurisdictional usage of the landfill.

(b) EXCEPTION.—(1) Notwithstanding subsection (a), the I–95 Sanitary Landfill may be expanded for the purpose of the ash monofill planned by the parties to the July 1981 I–95 Sanitary Landfill Memorandum of Understanding if such monofill, subject to paragraph (2), is used solely for the disposal of incinerator ash from such parties.

(2) The ash monofill referred to in paragraph (1) may be used for the disposal of solid waste for a maximum of 30 days whenever a resource recovery facility, or an incinerator and a resource recovery facility, operated for or by the parties to the July 1981 I–95 Sanitary Landfill Memorandum of Understanding is completely unavailable because of an emergency shutdown.

(c) LIMITATION.—After December 31, 1995, the I–95 Sanitary Landfill, including any expansions thereof, shall not be available to receive or dispose of municipal or industrial waste of any kind other than incinerator ash unless the conditions enumerated in subsection (a) are met.

(d) GENERAL.—Notwithstanding any other provision of this title, the parties of the July 1981 I–95 Sanitary Landfill Memorandum of Understanding, together with the Federal Government, shall continue to be responsible for maintaining environmental stability at the I–95 Sanitary Landfill, including any expansion, in accordance with applicable laws of the United States, the Commonwealth of Virginia, and the local jurisdictions in which the I–95 Sanitary Landfill is located.

SEC. 204. DEFINITIONS.

For purposes of this title:

(1) The term ''expansion'' includes any development or use, after May 31, 1991, of any lands (other than those lands which were used as a landfill on or before May 31, 1991) owned by the Government of the United States in and around Lorton, Virginia, for the purpose of, or use as, a sanitary landfill in accordance with the July 1981 I–95 Sanitary Landfill Memorandum of Understanding. The term also includes variances or exemptions from any elevation requirements relating to landfill operations established by the laws of the Commonwealth of Virginia, or any subdivision thereof, in connection with any such lands used on or before May 31, 1991.

(2) The term ''lands owned by the Government of the United States'' includes any lands owned by the United States, and any such lands with respect to which the Government of the District of Columbia has beneficial ownership.

(3) The term ''July 1981 I–95 Sanitary Landfill Memorandum of Understanding'' means the document titled ''Memorandum of Understanding I–95 Resource Recovery, Land Reclamation, and Recreation Complex'' that was executed July 22, 1981, and subsequently amended by supplemental agreements executed before May 31, 1991.

And the Senate agree to the same.

From the Committee on Energy and Commerce, for consideration of the House bill, and the Senate amendment, and modifications committed to conference:

JOHN D. DINGELL,
AL SWIFT,
DENNIS E. ECKART,
JIM SLATTERY,
GERRY SIKORSKI,
NORMAN F. LENT,
DON RITTER,
DAN SCHAEFER,

Mr. Bilirakis is appointed in lieu of Mr. Schaefer for consideration of that portion of section 2(b) of the House bill which adds section 6001(c) to the Solid Waste Disposal Act.

MICHAEL BILIRAKIS,

As additional conferees from the Committee on the Judiciary, for consideration of sec. 2(a) of the House bill, and sec. 103(a) of the Senate amendment, and modifications committed to conference:

JACK BROOKS,
BARNEY FRANK,
G.W. GEKAS,

As additional conferees from the Committee on Merchant Marine and Fisheries, for consideration of sec. 304(a) of the Senate amendment, and modifications committed to conference:

GERRY STUDDS,

As additional conferees from the Committee on Public Works and Transportation, for consideration of secs. 102, 109, and 115119 of the Senate amendment, and modifications committed to conference:

ROBERT A. ROE,
HENRY J. NOWAK,
JOHN PAUL HAMMERSCHMIDT,

As additional conferees from the Committee on Public Works and Transportation, for consideration of title IV of the Senate amendment, and modifications committed to conference:

ROBERT A. ROE,
GUS SAVAGE,
ELEANOR H. NORTON,
HENRY J. NOWAK,
R.A. BORSKI,
JOHN PAUL HAMMERSCHMIDT,
BUD SHUSTER,
JAMES M. INHOFE,

Managers on the Part of the House.

MAX BAUCUS,

DANIEL PATRICK MOYNIHAN,
GEORGE MITCHELL,
FRANK R. LAUTENBERG,
JOHN H. CHAFEE,
ALAN K. SIMPSON,
DAVE DURENBERGER,
J. WARNER,
Managers on the Part of the Senate.

When said conference report was considered.

After debate,

On motion of Mr. SWIFT, the previous question was ordered on the conference report to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said conference report?

The SPEAKER pro tempore, Mr. MONTGOMERY, announced that the yeas had it.

Mr. SCHAEFER objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas ..... 403 / Nays 3

¶111.5 [Roll No. 409]

YEAS—403

Ackerman	Collins (IL)	Gallo
Allard	Collins (MI)	Gaydos
Allen	Combest	Gejdenson
Anderson	Condit	Gekas
Andrews (ME)	Cooper	Gephardt
Andrews (NJ)	Costello	Geren
Andrews (TX)	Coughlin	Gibbons
Annunzio	Cox (CA)	Gilchrest
Anthony	Cox (IL)	Gillmor
Applegate	Coyne	Gilman
Archer	Cramer	Gingrich
Armey	Crane	Glickman
Aspin	Cunningham	Gonzalez
Atkins	Dannemeyer	Gordon
Bacchus	Darden	Goss
Baker	Davis	Gradison
Ballenger	de la Garza	Grandy
Barrett	DeFazio	Green
Barton	DeLauro	Guarini
Bateman	DeLay	Gunderson
Beilenson	Dellums	Hall (OH)
Bennett	Derrick	Hall (TX)
Bentley	Dickinson	Hamilton
Bereuter	Dicks	Hammerschmidt
Berman	Dingell	Hancock
Bevill	Dixon	Hansen
Bilbray	Donnelly	Harris
Bilirakis	Dooley	Hastert
Bliley	Doolittle	Hatcher
Boehlert	Dorgan (ND)	Hayes (IL)
Boehner	Dornan (CA)	Hefley
Bonior	Downey	Hefner
Borski	Dreier	Henry
Boucher	Duncan	Herger
Brewster	Durbin	Hertel
Brooks	Dwyer	Hoagland
Broomfield	Dymally	Hobson
Browder	Early	Hochbrueckner
Brown	Eckart	Holloway
Bruce	Edwards (CA)	Hopkins
Bryant	Edwards (TX)	Horn
Bunning	Emerson	Horton
Burton	Engel	Houghton
Bustamante	English	Hoyer
Byron	Erdreich	Hubbard
Callahan	Espy	Hughes
Camp	Evans	Hunter
Campbell (CA)	Fascell	Hutto
Campbell (CO)	Fazio	Hyde
Cardin	Feighan	Inhofe
Carper	Fields	Jacobs
Carr	Fish	James
Chandler	Flake	Jenkins
Chapman	Ford (MI)	Johnson (CT)
Clay	Ford (TN)	Johnson (SD)
Clement	Frank (MA)	Johnson (TX)
Coble	Franks (CT)	Johnston
Coleman (MO)	Frost	Jontz
Coleman (TX)	Gallegly	Kanjorski
Kasich	Neal (MA)	Shaw
Kennedy	Neal (NC)	Shays
Kennelly	Nichols	Sikorski
Kildee	Nowak	Sisisky
Kleczka	Nussle	Skaggs
Klug	Oakar	Skeen
Kolbe	Oberstar	Skelton
Kolter	Obey	Slattery
Kopetski	Olin	Slaughter
Kyl	Olver	Smith (FL)
LaFalce	Ortiz	Smith (IA)
Lagomarsino	Orton	Smith (NJ)
Lancaster	Owens (NY)	Smith (OR)
Lantos	Owens (UT)	Smith (TX)
LaRocco	Oxley	Snowe
Laughlin	Packard	Solarz
Leach	Pallone	Solomon
Lehman (CA)	Panetta	Spence
Lehman (FL)	Parker	Spratt
Lent	Pastor	Staggers
Levin (MI)	Patterson	Stallings
Levine (CA)	Paxon	Stark
Lewis (CA)	Payne (NJ)	Stearns
Lewis (FL)	Payne (VA)	Stenholm
Lewis (GA)	Pease	Studds
Lightfoot	Pelosi	Stump
Lipinski	Peterson (FL)	Sundquist
Livingston	Peterson (MN)	Swett
Lloyd	Petri	Swift
Long	Pickett	Synar
Lowery (CA)	Pickle	Tallon
Lowey (NY)	Porter	Tanner
Luken	Poshard	Tauzin
Machtley	Price	Taylor (MS)
Manton	Pursell	Taylor (NC)
Markey	Quillen	Thomas (CA)
Marlenee	Rahall	Thomas (GA)
Martin	Ramstad	Thomas (WY)
Martinez	Rangel	Thornton
Matsui	Ravenel	Torres
Mavroules	Reed	Torricelli
Mazzoli	Regula	Towns
McCandless	Rhodes	Traficant
McCloskey	Richardson	Traxler
McCollum	Ridge	Unsoeld
McCrery	Riggs	Upton
McCurdy	Rinaldo	Valentine
McDermott	Ritter	Vander Jagt
McEwen	Roberts	Vento
McGrath	Roe	Visclosky
McHugh	Roemer	Volkmer
McMillan (NC)	Rogers	Vucanovich
McMillen (MD)	Rohrabacher	Walker
McNulty	Ros-Lehtinen	Walsh
Meyers	Rose	Washington
Mfume	Rostenkowski	Waters
Michel	Roth	Waxman
Miller (CA)	Roukema	Weber
Miller (OH)	Rowland	Weldon
Miller (WA)	Roybal	Wheat
Mineta	Russo	Whitten
Mink	Sabo	Williams
Moakley	Sangmeister	Wilson
Molinari	Santorum	Wise
Mollohan	Sarpalius	Wolf
Montgomery	Sawyer	Wolpe
Moody	Saxton	Wyden
Moorhead	Schaefer	Wylie
Moran	Scheuer	Yates
Morella	Schiff	Yatron
Morrison	Schroeder	Young (AK)
Mrazek	Schulze	Young (FL)
Murphy	Schumer	Zeliff
Murtha	Sensenbrenner	Zimmer
Nagle	Serrano	
Natcher	Sharp	

NAYS—3

Ewing	Fawell	Ray

NOT VOTING—26

Abercrombie	Foglietta	McDade
Alexander	Goodling	Myers
AuCoin	Hayes (LA)	Penny
Barnard	Huckaby	Perkins
Blackwell	Ireland	Sanders
Boxer	Jefferson	Savage
Clinger	Jones	Shuster
Conyers	Kaptur	Stokes
Edwards (OK)	Kostmayer	

So the conference report was agreed to.

A motion to reconsider the vote whereby said conference report was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶111.6 AMTRAK AUTHORIZATION

On motion of Mr. SWIFT, by unanimous consent, the bill (H.R. 4250) to authorize appropriations for the National Railroad Passenger Corporation, and for other purposes; together with the amendment of the Senate thereto, was taken from the Speaker's table.

When on motion of Mr. SWIFT, it was,

Resolved, That the House disagree to the amendment of the Senate and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Thereupon, the SPEAKER pro tempore, Mr. MONTGOMERY, by unanimous consent, announced the appointment of Messrs. DINGELL, SWIFT, SLATTERY, LENT, and RITTER, as managers on the part of the House at said conference.

Ordered, That the Clerk notify the Senate thereof.

¶111.7 NATIONAL COMPETITIVENESS ACT

The SPEAKER pro tempore, Mr. MONTGOMERY, pursuant to House Resolution 563 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 5231) to amend the Stevenson-Wydler Technology Innovation Act of 1980 to enhance manufacturing technology development and transfer, to authorize appropriations for the Technology Administration of the Department of Commerce, including the National Institute of Standards and Technology, and for other purposes.

Mr. LANCASTER, Chairman of the Committee of the Whole, resumed the chair; and after some time spent therein,

¶111.8 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendments, as modified, en bloc submitted by Mr. WALKER:

Page 99, after line 14, insert the following:

Subtitle A—Miscellaneous Provisions

Page 107, after line 20, insert the following new subtitle:

Subtitle B—Technology Transfer Improvements

SEC. 411. SHORT TITLE.

This subtitle may be cited as the ''Technology Transfer Improvements Act of 1992''.

SEC. 412. COPYRIGHT FOR SOFTWARE.

Section 105 of title 17, United States Code, is amended—

(1) by striking ''Copyright'' and inserting in lieu thereof ''(a) GENERAL RULE.—Except as provided in subsection (b), copyright''; and

(2) by adding at the end the following new subsection:

''(b) COPYRIGHT OF COMPUTER PROGRAMS.—Each Federal agency may secure copyright registration on behalf of the United States and the United States shall have all copyright rights in and be the owner of any computer program (including instructions necessary to use the program, but not including data, data bases, or data base retrieval programs) authored in whole or in part by employees of the United States Government in

the course of work under a cooperative research and development agreement entered into under the authority of section 202(a)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(a)(1)) or a similar agreement entered into under section 203(c) (5) and (6) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2473(c) (5) and (6)), or provided by the United States Government under section 202(b)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(b)(1)), and may grant or agree to grant in advance to a participating party in the agreement, licenses or assignments for such copyrights, or options thereto, retaining such other rights as the Federal agency deems appropriate.''.

SEC. 413. AMENDMENTS TO SECTION 202 OF THE STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT OF 1980.

Section 202 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a) is amended—

(1) in subsection (b)(4), by inserting '', including computer software,'' after ''intellectual property''; and

(2) in subsection (b)(5), by inserting ''or computer programs described in section 105(b) of title 17, United States Code'' after ''of the United States''.

SEC. 414. DEFINITION OF COMPUTER SOFTWARE.

Section 4 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3703) is amended by adding at the end the following new paragraph:

''(14) 'Computer software' has the meaning given the term 'computer program' in section 101 of title 17, United States Code, and includes instructions necessary to use the program, but does not include data, data bases, or data base retrieval programs.''.

SEC. 415. ROYALTY PAYMENTS TO AUTHORS.

(a) Section 204(a)(1)(A), (2), and (3) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710c(a)(1)(A), (2), and (3)) is amended—

(1) by inserting ''or computer software'' after ''inventions'' each place it appears;

(2) by inserting ''or computer software'' after ''invention'' each place it appears;

(3) by inserting ''or author'' after ''inventor'' each place it appears;

(4) by inserting ''or co-author'' after ''co-inventor'' each place it appears;

(5) by inserting ''or authors'' after ''inventors'' each place it appears;

(6) by inserting ''or co-authors'' after ''co-inventors'' each place it appears; and

(7) by inserting ''or author's'' after ''inventor's'' each place it appears.

(b) Section 204(a)(1)(B) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710c(a)(1)(B)) is amended—

(1) by inserting ''or computer software'' after ''income from any invention'';

(2) by inserting ''or computer software was developed'' after ''the invention occurred'';

(3) by inserting ''or computer software'' after ''licensing of inventions'' in clause (i);

(4) by inserting ''or computer software which was developed'' after ''with respect to inventions'' in clause (i); and

(5) by inserting ''or computer software'' after ''organizations for invention'' in clause (i).

(c) Section 204(c) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710c(c)) is amended by inserting ''or author'' after ''including inventor''.

SEC. 416. TECHNICAL AND CONFORMING AMENDMENTS.

Section 202(c) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(c)), is amended by inserting ''or computer software'' after ''inventions'' each place it appears.

Page 108, line 5, strike ''$3,000,000'' and insert in lieu thereof ''$2,000,000''.

Page 108, line 6, after ''Policy'' strike ''$5,000,000'' and insert in lieu thereof ''including, competitiveness research, data collection, and evaluation, $4,000,0000''.

Page 108, line 8, strike ''$2,000,0000'' and insert in lieu thereof ''$1,500,000''.

Page 108, strike lines 9 and 10.

Page 110, line 7, strike ''$272,500,000'' and insert in lieu thereof ''$230,000,0000''.

Page 111, line 5, strike ''$35,000,0000'' and insert in lieu thereof ''$25,000,0000''.

Page 111, line 10, strike ''$1,570,000,000'' and insert in lieu thereof ''$400,000,000''.

Page 113, line 3, after ''1995'' insert the following: '', except that such amount in each fiscal year shall be limited to—

''(A) amounts derived from amounts otherwise authorized to be appropriated to the Secretary for that fiscal year; or

''(B) the amount requested, in the president's annual budget request to Congress, specifically for such Program for that fiscal year''.

Page 113, line 6, after ''1994'' insert the following: '', except that such amount in each fiscal year shall be limited to—

''(A) amounts derived from amounts otherwise authorized to be appropriated to the Secretary for that fiscal year; or

''(B) the amount requested, in the president's annual budget request to Congress, specifically for such Program for that fiscal year''.

Page 113, line 10, after ''1995'' insert the following: '', except that such amount in each fiscal year shall be limited to—

''(A) amounts derived from amounts otherwise authorized to be appropriated to the Secretary for that fiscal year; or

''(B) the amount requested, in the president's annual budget request to Congress, specifically for such Program for that fiscal year''.

Page 113, beginning on line 21, strike all through ''Foundation'' on line 23, and insert in lieu thereof, ''From sums otherwise authorized to be appropriated''.

It was decided in the negative ..... { Yeas ..... 162 / Nays 246

¶111.9 [Roll No. 410]

AYES—162

Allard	Fawell	Kyl
Allen	Fields	Lagomarsino
Archer	Fish	Leach
Armey	Franks (CT)	Lent
Baker	Gallegly	Lewis (CA)
Ballenger	Gallo	Lewis (FL)
Barrett	Gekas	Lightfoot
Barton	Gilchrest	Livingston
Bateman	Gillmor	Lowery (CA)
Bennett	Gilman	Machtley
Bentley	Gingrich	Marlenee
Bereuter	Goodling	Martin
Bilirakis	Goss	McCandless
Bliley	Gradison	McCollum
Boehner	Grandy	McCrery
Brewster	Green	McDade
Broomfield	Gunderson	McEwen
Bunning	Hall (TX)	McGrath
Burton	Hammerschmidt	McMillan (NC)
Byron	Hancock	Meyers
Callahan	Hansen	Michel
Camp	Hastert	Miller (OH)
Campbell (CA)	Hefley	Miller (WA)
Coble	Herger	Molinari
Coleman (MO)	Hobson	Montgomery
Combest	Holloway	Moorhead
Condit	Hopkins	Morrison
Coughlin	Houghton	Neal (NC)
Cox (CA)	Huckaby	Nichols
Crane	Hunter	Nussle
Cunningham	Hutto	Orton
Dannemeyer	Hyde	Oxley
DeLay	Inhofe	Packard
Dickinson	Ireland	Parker
Doolittle	Jacobs	Paxon
Dornan (CA)	James	Petri
Dreier	Johnson (TX)	Porter
Duncan	Kasich	Pursell
Emerson	Klug	Quillen
Ewing	Kolbe	Ramstad
Ravenel	Shays	Thomas (CA)
Regula	Skeen	Thomas (WY)
Rhodes	Slattery	Upton
Riggs	Smith (OR)	Vander Jagt
Roberts	Smith (TX)	Vucanovich
Rogers	Snowe	Walker
Rohrabacher	Solomon	Weber
Ros-Lehtinen	Spence	Weldon
Roth	Stearns	Wolf
Roukema	Stenholm	Wylie
Saxton	Stump	Young (AK)
Schaefer	Sundquist	Young (FL)
Sensenbrenner	Tauzin	Zeliff
Shaw	Taylor (NC)	Zimmer

NOES—246

Abercrombie	Guarini	Pastor
Ackerman	Hall (OH)	Patterson
Anderson	Hamilton	Payne (NJ)
Andrews (ME)	Harris	Payne (VA)
Andrews (NJ)	Hatcher	Pease
Andrews (TX)	Hayes (IL)	Pelosi
Annunzio	Hefner	Peterson (FL)
Anthony	Henry	Peterson (MN)
Applegate	Hertel	Pickett
Aspin	Hoagland	Pickle
Atkins	Hochbrueckner	Poshard
Bacchus	Horn	Price
Beilenson	Horton	Rahall
Berman	Hoyer	Rangel
Bevill	Hubbard	Ray
Bilbray	Hughes	Reed
Boehlert	Jenkins	Richardson
Bonior	Johnson (CT)	Ridge
Borski	Johnson (SD)	Rinaldo
Boucher	Johnston	Ritter
Brooks	Jontz	Roe
Browder	Kanjorski	Roemer
Brown	Kaptur	Rose
Bruce	Kennedy	Rostenkowski
Bryant	Kennelly	Rowland
Bustamante	Kildee	Roybal
Campbell (CO)	Kleczka	Russo
Cardin	Kolter	Sabo
Carper	Kopetski	Sanders
Carr	Kostmayer	Sangmeister
Chapman	LaFalce	Santorum
Clay	Lancaster	Sarpalius
Clement	Lantos	Sawyer
Coleman (TX)	LaRocco	Scheuer
Collins (IL)	Laughlin	Schiff
Collins (MI)	Lehman (CA)	Schroeder
Cooper	Lehman (FL)	Schumer
Costello	Levin (MI)	Serrano
Cox (IL)	Levine (CA)	Sharp
Coyne	Lewis (GA)	Sikorski
Cramer	Lipinski	Sisisky
Darden	Lloyd	Skaggs
de la Garza	Long	Skelton
DeFazio	Lowey (NY)	Slaughter
DeLauro	Luken	Smith (FL)
Dellums	Manton	Smith (IA)
Derrick	Markey	Smith (NJ)
Dicks	Martinez	Spratt
Dingell	Matsui	Staggers
Dixon	Mavroules	Stallings
Donnelly	Mazzoli	Stark
Dooley	McCloskey	Studds
Dorgan (ND)	McCurdy	Swett
Downey	McDermott	Swift
Durbin	McHugh	Synar
Dwyer	McMillen (MD)	Tallon
Dymally	McNulty	Tanner
Early	Mfume	Taylor (MS)
Eckart	Miller (CA)	Thomas (GA)
Edwards (CA)	Mineta	Thornton
Edwards (TX)	Mink	Torres
Engel	Moakley	Torricelli
English	Mollohan	Towns
Erdreich	Moody	Traficant
Espy	Moran	Traxler
Evans	Morella	Unsoeld
Fascell	Mrazek	Valentine
Fazio	Murphy	Vento
Feighan	Murtha	Visclosky
Flake	Natcher	Volkmer
Ford (MI)	Neal (MA)	Walsh
Ford (TN)	Nowak	Washington
Frank (MA)	Oakar	Waters
Frost	Oberstar	Waxman
Gaydos	Obey	Wheat
Gejdenson	Olin	Williams
Gephardt	Olver	Wilson
Geren	Ortiz	Wise
Gibbons	Owens (NY)	Wolpe
Glickman	Owens (UT)	Wyden
Gonzalez	Pallone	Yates
Gordon	Panetta	Yatron

NOT VOTING—24

Alexander	Davis	Penny
AuCoin	Edwards (OK)	Perkins
Barnard	Foglietta	Savage
Blackwell	Hayes (LA)	Schulze
Boxer	Jefferson	Shuster
Chandler	Jones	Solarz
Clinger	Myers	Stokes
Conyers	Nagle	Whitten

So the amendments en bloc were not agreed to.

After some further time,

The SPEAKER pro tempore, Mr. TRAXLER, assumed the Chair.

When Mr. LANCASTER, Chairman, pursuant to House Resolution 563, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

TITLE I—GENERAL PROVISIONS

SEC. 101. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''National Competitiveness Act of 1992''.

(b) TABLE OF CONTENTS.—

SEC. 102. FINDINGS.

The Congress finds that—

(1) the unprecedented competitive challenge the United States has faced during the past decade from foreign-based companies offering high-quality, low-priced products has contributed to a drop in real wages and standard of living;

(2) as international competition has intensified in advanced technology research, development, and applications, the passive nature of United States civilian technology policy has hindered the ability of American companies to compete in certain high technology fields;

(3) there is general agreement on which fields of technology are critical for economic competitiveness in the next century, but the United States Government lacks a comprehensive strategy for ensuring that the appropriate research, development, and applications activities and other reforms occur so these technologies are readily available to United States manufacturers for incorporation into products made in the United States;

(4) strategic technology planning, the support of critical technology research, development, and application, and advancement of manufacturing technology development and deployment are appropriate Government roles;

(5) the cost of and difficulty in obtaining venture capital are significant deterrents to the expansion of small high technology companies; and

(6) standardization of weights and measures, including development and promotion of product and quality standards, has a significant role to play in competitiveness.

SEC. 103. PURPOSES.

The purposes of this Act are to—

(1) develop a nationwide network of sources of technological advice for manufacturers, particularly small and medium-sized firms, and to provide high quality, current information to that network;

(2) encourage the development and rapid application of advanced manufacturing processes;

(3) expand the scope and resources of the Advanced Technology Program of the National Institute of Standards and Technology;

(4) stimulate and supplement the flow of capital to business concerns engaged principally in development or utilization of critical and other advanced technologies;

(5) establish mechanisms to ensure synergistic linkages between Federal, State, and local initiatives aimed at enhancing the competitiveness of United States products; and

(6) enhance the core programs of the National Institute of Standards and Technology.

SEC. 104. GOALS.

The goals of this Act are to—

(1) improve the competitiveness of small and medium-sized manufacturers by improving access to the information and expertise required to compete throughout the world;

(2) improve the United States position in technologies essential to economic growth and national welfare by promoting research, development, and timely utilization of those technologies;

(3) utilize the State and local capabilities in industrial extension to improve the efficiency, quality, and strength of national programs to improve the competitiveness of United States products; and

(4) expand the availability of low-cost patient capital to United States companies developing or utilizing critical or other advanced technologies.

SEC. 105. DEFINITIONS.

For purposes of this Act—

(1) the term ''Director'' means the Director of the Institute;

(2) the term ''Institute'' means the National Institute of Standards and Technology;

(3) the term ''Secretary'' means the Secretary of Commerce; and

(4) the term ''Under Secretary'' means the Under Secretary of Commerce for Technology.

TITLE II—MANUFACTURING

SEC. 201. SHORT TITLE.

This title may be cited as the ''Manufacturing Technology and Extension Act of 1992''.

SEC. 202. FINDINGS, PURPOSE, AND STATEMENT OF POLICY.

(a) FINDINGS.—Congress finds and declares the following:

(1) United States manufacturers, especially small businesses, require the adoption and implementation of both modern and advanced manufacturing and process technologies to meet the challenge of foreign competition.

(2) The development and deployment of modern and advanced manufacturing tech-

nologies are vital to the Nation's economic growth, standard of living, competitiveness in world markets, and national security.

(3) New developments in flexible, computer-integrated manufacturing, electronic manufacturing communications networks, and other new technologies make possible dramatic improvements across all industrial sectors in productivity, quality, and the speed with which manufacturers can respond to changing market opportunities.

(4) The Department of Commerce's Technology Administration can continue to play an important role in assisting United States industry to develop, test, and deploy modern and advanced manufacturing technologies.

(b) PURPOSE.—It is the purpose of Congress in this title to help ensure the continued leadership of the United States in manufacturing by enhancing the Department of Commerce's technology programs to—

(1) provide, consistent with applicable provisions of law, to the greatest extent possible, within 5 years after the date of enactment of this Act, domestic manufacturers, especially small and medium-sized companies, with access to Federal advice and assistance in the development, deployment, and improvement of modern manufacturing technology; and

(2) encourage, facilitate, and promote the development and adoption of advanced manufacturing technologies by the private sector.

(c) STATEMENT OF POLICY.—Congress declares that it is the policy of the United States that—

(1) Federal agencies, particularly the Department of Commerce, shall work with industry and labor to ensure that within 10 years of the date of enactment of this Act the United States is second to no other nation in the development, deployment, and use of advanced manufacturing technology;

(2) because of the importance of manufacturing and advanced manufacturing technology to the Nation's economic prosperity and defense, all the major Federal research and development agencies shall place a high priority on the development and deployment of advanced manufacturing technologies, and shall work closely with United States industry to develop and test those technologies; and

(3) the Department of Commerce, particularly the Technology Administration, shall serve as the lead civilian agency for promoting the development and deployment of advanced manufacturing technology, and other Federal departments and agencies which work with civilian industry shall be encouraged, as appropriate and consistent with applicable statutes and duties, to work with and through the programs of the Department of Commerce.

(d) CONSTRUCTION.—Nothing in this title shall be construed as modifying the duties and responsibilities of the Department of Energy with regard to its technology resources and expertise in matters under its jurisdiction.

SEC. 203. ROLE OF THE DEPARTMENT OF COMMERCE.

The Department of Commerce shall, consistent with the policies and purposes of section 202, be the lead civilian agency of the Federal Government for working with United States industry and labor to—

(1) develop new generic advanced manufacturing technologies; and

(2) encourage and assist the deployment and use of advanced manufacturing equipment and techniques throughout the United States.

SEC. 204. COMMERCE TECHNOLOGY ADVISORY BOARD.

(a) ESTABLISHMENT.—There is established a Commerce Technology Advisory Board (in this section referred to as the ''Advisory Board'').

(b) COMPOSITION.—The Advisory Board shall be composed of at least 17 members, appointed by the Under Secretary from among individuals who, because of their experience and accomplishments in technology development, business development, or finance are exceptionally qualified to analyze and formulate policy that would improve the global competitiveness of industries in the United States. The Under Secretary shall designate 1 member to serve as chairman. Membership of the Advisory Board shall be composed of—

(1) representatives of—

(A) United States small businesses;

(B) other United States manufacturers;

(C) universities and independent research institutes;

(D) State and local government agencies involved in industrial extension;

(E) national laboratories;

(F) industrial, worker, and professional organizations; and

(G) financial organizations; and

(2) other individuals that possess important insight to issues of national competitiveness.

(c) DUTIES.—The duties of the Advisory Board shall include advising the Secretary, the Under Secretary, and the Director regarding—

(1) the development and implementation of policies that the Advisory Board considers essential to industrial productivity and technology growth and adoption, with priority given to policies that would benefit small businesses;

(2) the development and rapid application of advanced technologies including advanced manufacturing technologies; and

(3) the planning, execution, and evaluation of programs under the authority of the Technology Administration.

(d) MEETINGS.—(1) The chairman shall call the first meeting of the Advisory Board not later than 90 days after the date of enactment of this Act.

(2) The Advisory Board shall meet at least once every 6 months, and at the call of the Under Secretary.

(e) TRAVEL EXPENSES.—Members of the Advisory Board, other than full-time employees of the United States, shall be allowed travel expenses in accordance with subchapter I of chapter 57 of title 5, United States Code, while engaged in the business of the Advisory Board.

(f) CONSULTATION.—In carrying out this section, the Under Secretary shall consult with other agencies, as appropriate.

(g) TERMINATION.—Section 14 of the Federal Advisory Committee Act shall not apply to the Advisory Board.

SEC. 205. ROLE OF THE TECHNOLOGY ADMINISTRATION IN MANUFACTURING.

The Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.) is amended by adding at the end the following new title:

''TITLE III—MANUFACTURING TECHNOLOGY

''SEC. 301. ADVANCED MANUFACTURING SYSTEMS AND NETWORKING PROJECTS.

''(a) PROGRAM DIRECTION.—The Secretary, through the Under Secretary and the Director, shall establish a Department of Commerce Advanced Manufacturing Program (in this title referred to as the 'Advanced Manufacturing Program') which shall include advanced manufacturing systems and networking projects.

''(b) PROGRAM GOAL.—The goal of the Advanced Manufacturing Program is to create collaborative multiyear technology development programs involving United States industry and, as appropriate, other Federal agencies, the States, and other interested persons, in order to develop, refine, test, and transfer design and manufacturing technologies and associated applications, including advanced computer integration and electronic networks.

''(c) PROGRAM COMPONENTS.—The Advanced Manufacturing Program shall include—

''(1) the advanced manufacturing research and development activities at the Institute; and

''(2) one or more technology development testbeds within the United States, selected in accordance with procedures, including cost sharing, established under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n), whose purpose shall be to develop, refine, test, and transfer advanced manufacturing and networking technologies and associated applications through a direct manufacturing process.

''(d) ACTIVITIES.—The Advanced Manufacturing Program, under the coordination of the Secretary, through the Director, shall—

''(1) test and, as appropriate, develop the equipment, computer software, and systems integration necessary for the successful operation within the United States of advanced design and manufacturing systems and associated electronic networks;

''(2) establish at the Institute and the technology development testbed or testbeds—

''(A) prototype advanced computer-integrated manufacturing systems; and

''(B) prototype electronic networks linking manufacturing systems;

''(3) assist industry to develop, and implement voluntary consensus standards relevant to advanced computer-integrated manufacturing operations, including standards for networks, electronic data interchange, and digital product data specifications;

''(4) help to make high-performance computing and networking technologies an integral part of design and production processes where appropriate;

''(5) conduct research to identify and overcome technical barriers to the successful and cost-effective operation of advanced manufacturing systems and networks;

''(6) facilitate industry efforts to develop and test new applications for manufacturing systems and networks;

''(7) involve, to the maximum extent practicable, both those United States companies which make manufacturing and computer equipment and those companies which buy the equipment, with particular emphasis on including a broad range of company personnel in the Advanced Manufacturing Program and on assisting small and medium-sized manufacturers;

''(8) identify training needs, as appropriate, for company managers, engineers, and employees in the operation and applications of advanced manufacturing technologies and networks, with a particular emphasis on training for production workers in the effective use of new technologies;

''(9) work with private industry to develop standards for the use of advanced computer-based training systems, including multimedia and interactive learning technologies; and

''(10) exchange information and personnel, as appropriate, between the technology development testbeds and the Network created under section 303.

''(e) TESTBED AWARDS.—(1) In selecting applicants to receive awards under subsection (c)(2) of this section, the Secretary shall give particular consideration to applicants that have existing computer expertise in the management of business, product, and process information such as digital data product and process technologies and customer-supplier information systems, and the ability to diffuse such expertise into industry, and that, in the case of joint research and devel-

opment ventures, include both suppliers and users of advanced manufacturing equipment.

''(2) An industry-led joint research and development venture applying for an award under subsection (c)(2) of this section may include one or more State research organizations, universities, independent research organizations, or Regional Centers for the Transfer of Manufacturing Technology (as created under section 25 of the National Institute of Standards and Technology Act).

''(f) ADVICE AND ASSISTANCE.—(1) Within 6 months after the date of enactment of this title, and before any request for proposals is issued, the Secretary shall hold one or more workshops to solicit advice from United States industry and from other Federal agencies, particularly the Department of Defense, regarding the specific missions and activities of the testbeds.

''(2) The Secretary shall, to the greatest extent possible, coordinate activities under this section with activities of other Federal agencies and initiatives relating to Computer-Aided Acquisition and Logistics Support, electronic data interchange, flexible computer-integrated manufacturing, and enterprise integration.

''(3) The Secretary may request and accept funds, facilities, equipment, or personnel from other Federal agencies in order to carry out responsibilities under this section.

''(g) APPLICATION OF ANTITRUST LAWS.—Nothing in this section shall be construed to create any immunity to any civil or criminal action under any Federal or State antitrust law, or to alter or restrict in any manner the applicability of any Federal or State antitrust law.

''SEC. 302. DEPLOYMENT OF ADVANCED AND MODERN MANUFACTURING TECHNOLOGIES AND PRACTICES.

''(a) IN GENERAL.—The Secretary, through the Under Secretary and the Director, shall work with representatives of State and local governments, manufacturing extension programs, private industry, worker organizations, and academia to encourage and support the use of both advanced manufacturing technologies, including those developed by the Advanced Manufacturing Program, and current best available modern manufacturing technologies and practices to large, medium-sized, and small manufacturing firms throughout the United States.

''(b) MECHANISMS.—The Secretary, through the Under Secretary and the Director, shall carry out this responsibility through—

''(1) the National Manufacturing Outreach Network established under section 303;

''(2) the Manufacturing Technology Centers, Local Manufacturing Offices, and State Technology Extension Program supported under sections 25 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k–1);

''(3) a National Quality Laboratory, which is hereby established within the Institute, the purpose of which is to assist private sector quality efforts and to serve as mechanism by which United States companies and the Institute can work together to advance quality management programs and to share and, as appropriate, develop manufacturing best practices;

''(4) appropriate activities of the Technology Administration's Office of Technology Policy; and

''(5) such other means as may be appropriate or otherwise authorized by law.

''SEC. 303. NATIONAL MANUFACTURING OUTREACH NETWORK.

''(a) ESTABLISHMENT AND PURPOSE OF NETWORK.—There is hereby established a National Manufacturing Outreach Network (in this section referred to as the 'Network'). The Network shall organizationally and electronically link centers and other organizations throughout the United States that are engaged in manufacturing or technology extension and outreach activities. The Secretary, acting through the Under Secretary and the Director, shall implement and coordinate the Network in accordance with an initial plan to be prepared and submitted to Congress within 6 months after the date of enactment of this title and a 5-year plan to be submitted to the Congress within a year after the date of enactment of this title and to be updated annually. The purpose of the Network is to assist United States manufacturers, especially small and medium-sized firms, to expand and accelerate the use of modern manufacturing practices, and to accelerate the development and use of advanced manufacturing technology.

''(b) MANUFACTURING OUTREACH CENTERS.—United States Government and private sector organizations, actively engaged in technology or manufacturing extension activities, are eligible for participation in this program as Management Outreach Centers. Participants may include Federal, State, and local government agencies, their extension programs, and their laboratories; centers and local manufacturing offices established under section 25 of the National Institute of Standards and Technology Act; small business development centers; and appropriate programs run by professional societies, worker organizations, industrial organizations, for-profit or nonprofit organizations, universities, community colleges, and technical schools and colleges. The Secretary shall establish terms and conditions of participation and may provide financial assistance, on a cost-shared basis and through competitive, merit-based review processes, to nonprofit or government participants throughout the United States to enable them to—

''(1) join the Network and disseminate its information services to United States manufacturing firms, particularly small and medium-sized firms; and

''(2) strengthen their efforts to help small and medium-sized United States manufacturers to expand and accelerate the use of modern and advanced manufacturing practices.

''(c) COMMUNICATIONS INFRASTRUCTURE.—The Department of Commerce shall provide for an instantaneous, interactive communications infrastructure for the Network to facilitate interaction among Manufacturing Outreach Centers and Federal agencies and to permit the collection and dissemination in electronic form, in a timely and accurate manner, of information described in subsection (d). Such communications infrastructure shall, wherever practicable, make use of existing computer networks. Communications infrastructure arrangements, including user fees and appropriate electronic access for information suppliers and users shall be addressed in the 5-year plan prepared under subsection (f)(2).

''(d) CLEARINGHOUSE.—(1) The Secretary shall develop a clearinghouse system, using the National Technical Information Service and private sector information providers and carriers where appropriate, to—

''(A) identify expertise and acquire information, appropriate to the purpose of the Network stated in subsection (a), from all available Federal sources, providing assistance where necessary in making such information electronically available and compatible with the Network;

''(B) ensure ready access by United States manufacturers and other interested private sector parties to the most recent relevant available such information and expertise; and

''(C) to the extent practicable, inform such manufacturers of the availability of such information.

''(2) The clearinghouse shall include information available electronically on—

''(A) activities of Manufacturing Outreach Centers and the users of the Network;

''(B) domestic and international standards from the Institute and private sector organizations and other export promotion information, including conformity assessment requirements and procedures;

''(C) the Malcolm Baldrige Quality program, and quality principles and standards;

''(D) federally funded technology development and transfer programs;

''(E) responsibilities assigned to the Clearinghouse for State and Local Initiatives on Productivity, Technology, and Innovation under section 102 of this Act;

''(F) how to access data bases and services; and

''(G) other subjects relevant to the ability of companies to manufacture and sell competitive products throughout the world.

''(e) PRINCIPLES.—In carrying out this section, the Department of Commerce shall take into consideration the following principles:

''(1) The Network shall be established and operated through cooperation and co-funding among Federal, State, and local governments, other public and private contributors, and end users.

''(2) The Network shall utilize and leverage, to the extent practicable, existing organizations, data bases, electronic networks, facilities, and capabilities.

''(3) The Network, and the communications infrastructure provided for under subsection (c), shall be subject to all applicable provisions of law for the protection of trade secrets and business confidential information.

''(4) Local or regional needs should determine the management structure and staffing of the Manufacturing Outreach Centers. The Network shall strive for geographical balance with the ultimate goal of access for all United States small and medium-sized manufacturers.

''(5) Manufacturing Outreach Centers should have the capability to deliver outreach services directly to manufacturers, actively work with, rather than supplant, the private sector, and to the extent practicable, maximize the exposure of manufacturers to demonstrations of modern technologies in use.

''(6) Manufacturing Outreach Centers shall focus, where possible, on the development and deployment of flexible manufacturing practices applicable to both defense and commercial applications.

''(7) The Department of Commerce shall develop mechanisms for—

''(A) soliciting the perspectives of manufacturers using the services of the Manufacturing Outreach Centers; and

''(B) evaluating the effectiveness of the Manufacturing Outreach Centers.

''(f) PLAN AND REPORTS.—(1) Within 6 months after the date of enactment of this title, the Secretary, after consultation with the Under Secretary, the Director, the Commerce Technology Advisory Board, and a cross-section of potential participants, shall submit a report to Congress—

''(A) describing how the Technology Administration will carry out its responsibility to create, operate, and support the Network, including interactive linkage of Manufacturing Outreach Centers to the programs of the Technology Administration and other appropriate Federal agencies;

''(B) identifying the Federal, State, local, and other appropriate organizations which the Secretary believes should be eligible to join the Network as Manufacturing Outreach Centers and those organizations eligible to apply for Department of Commerce support to connect to the Network and receive and disseminate its services;

''(C) establishing criteria and procedures for the selection of organizations to receive Department of Commerce services and financial assistance as part of the Network program; and

''(D) evaluating the need for and the benefits of a National Conference of States on Industrial Extension, similar in structure to the National Conference on Weights and Measures, and, if the Secretary determines that such a Conference is advisable, developing, in consultation with the States and other interested parties, a plan for the establishment, operation, funding, and evaluation of such a Conference.

''(2) Within 1 year after the date of enactment of this title, the Secretary, in consultation with the Under Secretary, the Director, and the Commerce Technology Advisory Board, shall prepare and submit to the Congress a 5-year plan for implementing and expanding the Network. Such plan shall identify appropriate methods for expanding the Network in a geographically balanced manner, including a merit-based process for the selection of additional Manufacturing Outreach Centers. In selecting Manufacturing Outreach Centers, and in awarding financial assistance to such Centers, the Under Secretary shall ensure that manufacturers using the Network are consulted as to the past performance of applicants. Such 5-year plan shall include a detailed implementation plan and cost estimates and shall take into consideration and build on the report submitted under paragraph (1).

''(3) Beginning with first year after submission of the 5-year plan under paragraph (2), the Secretary shall annually report to the Congress, at the time of the President's annual budget request to Congress, on—

''(A) progress made in carrying out this section during the preceding fiscal year;

''(B) changes proposed to the 5-year plan;

''(C) performance in adhering to schedules; and

''(D) any recommendations for legislative changes necessary to enhance the Network.

The report under this paragraph submitted at the end of the fourth year of operation of the Network shall include recommendations on whether to terminate the Network or extend it for a specified period of time.

''SEC. 304. ROLE OF THE SECRETARY AND OTHER EXECUTIVE AGENCIES.

''(a) SECRETARY.—The Secretary, acting as appropriate through the Under Secretary and the Director, shall—

''(1) consult with other Federal agencies, including the Department of Defense and the Department of Energy, to ensure consistent and, where possible, coordinated efforts to promote the development and adoption of modern and advanced manufacturing technologies;

''(2) assist the Office of Science and Technology Policy in its efforts to coordinate the manufacturing technology activities of the various Federal agencies; and

''(3) in carrying out the programs and other responsibilities set forth in this title, consult with representatives of industry, labor, and academia on ways to enhance manufacturing capabilities, including close consultation with the Commerce Technology Advisory Board.

The Secretary shall annually report to Congress on actions taken under this subsection.

''(b) FEDERAL AGENCIES.—To the extent permitted by other law, other Federal agencies shall assist the Secretary in carrying out this title.

''SEC. 305. AMERICAN WORKFORCE QUALITY PARTNERSHIPS.

''(a) PROGRAM AUTHORIZED.—The Secretary, in consultation with the Secretary of Education and the Secretary of Labor, may make grants to eligible applicants having applications approved under this section to establish and operate American workforce quality partnership programs in accordance with the provisions of this section. The Secretary shall award grants on a competitive basis to pay the Federal share for American workforce quality partnership programs to establish workforce training consortia between industry and institutions of higher education.

''(b) GRANT PERIOD.—Grants awarded under this section may be for a period of 5 years.

''(c) GENERAL AUTHORITY.—Each grant recipient shall use amounts provided under the grant to develop and operate an American workforce quality partnership program.

''(d) CONTENTS OF PROGRAM.—An American workforce quality partnership program shall establish partnerships between—

''(1) one or more technology-based or manufacturing sector firms, in conjunction with a labor organization where available or worker representative group or employee representatives; and

''(2) a local community or technical college or other appropriate institutions of higher education, or a vocational training institution or consortium of such education institutions,

to train the employees of the industrial partners through both workplace-based and classroom-based programs of training.

''(e) FEDERAL SHARE.—The Federal share of the cost of an American workforce quality partnership program may not exceed 50 percent of the total cost of the program. The non-Federal share of such costs may be provided in-cash or in-kind, fairly valued. The total contribution of the proposed partnership should reflect a substantial contribution on the part of the industrial partners and appropriate contributions of the education partners, local or State governments, and other appropriate entities.

''(f) APPLICATIONS.—

''(1) IN GENERAL.—Each eligible applicant that desires to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary shall prescribe.

''(2) PLAN.—Each application submitted under this subsection shall contain a plan for the development and implementation of an American workforce quality partnership program under this section. Such plan shall—

''(A) show a demonstrated commitment, on the part of the industrial partners, to adopt total quality management strategies or other plausible strategies to renew its competitive edge;

''(B) demonstrate the need for Federal resources because of the long-term nature and risk of such an investment, the inability to finance such ventures because of the high cost of capitalization, intense competition from foreign industries, or such other appropriate reasons as may limit the industrial partners' ability to launch programs where worker training and development is a substantial component;

''(C) demonstrate long-term benefit for all partners and the local economy, through an enhanced competitive position of the industrial partners, substantial benefits for regional employment, and the ability of the education partners to further their capabilities to educate and train other nonpartnership-affiliated individuals wishing to obtain or upgrade technical, technological, industrial management and leadership, or other industrial skills;

''(D) make full, appropriate, and innovative use of industrial and higher education resources and other local resources such as facilities, equipment, personnel exchanges, experts, or consultants;

''(E) provide for the establishment of an advisory board in accordance with subsection (h);

''(F) include an explanation of the industrial partners' plans to adopt new competitive strategies and how the training partnership aids that effort; and

''(G) include assurances that the eligible entity will maintain its aggregate expenditures from all other sources for employee training at or above the average level of such expenditures in the 2 fiscal years preceding the date of enactment of the National Competitiveness Act of 1992.

''(3) APPROVAL.—The Secretary shall approve applications based on their potential to create an effective American workforce quality partnership program in accordance with this section.

''(A) CRITERIA.—In reviewing grant applications, the Secretary shall give significant consideration to the following criteria:

''(i) Saliency of argument for requiring a Federal investment.

''(ii) Commitment of partnership to continue operation after the termination of Federal funding.

''(iii) The likelihood that the training will lead to long-term competitiveness of the industrial partners and contribute significantly to economic growth.

''(iv) The likelihood that the partnership will benefit the education mission of the education partners in ways outside of the scope of the partnership, such as developing the capability to train other nonpartnership-affiliated individuals in similar skills.

''(B) PRIORITY CONSIDERATION.—The Secretary shall give priority consideration to industries which are threatened by intense foreign competition important to the long-term national economic or military security of the United States and industries which are critical in enabling other United States industries to maintain a healthy competitive position. In addition, the Secretary shall give priority to applicants in areas of high poverty and unemployment.

''(g) USE OF FUNDS.—

''(1) APPROVED USES.—Federal funds may be used for—

''(A) the direct costs of workplace-based and classroom-based training in advanced technical, technological, and industrial management, skills, and training for the implementation of total quality management strategies, or other competitiveness strategies, contained in the plan;

''(B) the purchase or lease of equipment or other materials for the purpose of instruction to aid in training;

''(C) the development of in-house curricula or coursework or other training-related programs, including the training of teachers and other eligible participants to utilize such curricula or coursework; and

''(D) reasonable administrative expenses and other indirect costs of operating the partnership which may not exceed 10 percent of the total cost of the program.

''(2) LIMITATIONS.—Federal funds may not be used for nontraining related costs of adopting new competitive strategies including the replacement of manufacturing equipment, product redesign and manufacturing facility construction costs, or salary compensation of the partners' employees. Grants shall not be made under this section for programs that will impair any existing program, contract, or agreement without the written concurrence of the parties to such program, contract, or agreement.

''(h) ADVISORY BOARD.—

''(1) Each partnership shall establish an advisory board which shall include equal representation from each of the following categories:

''(A) Multiple organizational levels of the industrial partners.

''(B) The education partners.

''(C) Labor organization representatives where available, worker representative groups, or employee representatives.

''(2) The advisory board shall—

''(A) advise the partnership on the general direction and policy of the partnership including training, instruction, and other related issues;

''(B) report to the Secretary after the second and fourth year of the program, on the progress and status of the partnership, including its strengths, weaknesses, and new directions, the number of individuals served, types of services provided, and an outline of how the program can be integrated into the existing training infrastructure in place in other Federal agencies and departments; and

''(C) assist in the revision of the plans (submitted with the application under subsection (f)(2)(F)) and include revised plans as necessary in the reports under subparagraph (B).''.

SEC. 206. MISCELLANEOUS AND CONFORMING AMENDMENTS.

(a) DEFINITIONS.—Section 4 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3703) is amended by adding at the end the following new paragraphs:

''(14) 'Director' means the Director of the National Institute of Standards and Technology.

''(15) 'Institute' means the National Institute of Standards and Technology.

''(16) 'Assistant Secretary' means the Assistant Secretary of Commerce for Technology Policy.

''(17) 'Advanced manufacturing technology' includes—

''(A) numerically-controlled machine tools, robots, automated process control equipment, computerized flexible manufacturing systems, associated computer software, and other technology for improving manufacturing and industrial production which advance the state-of-the-art; and

''(B) novel techniques and processes designed to improve manufacturing quality, productivity, and practices, including engineering design, quality assurance, concurrent engineering, continuous process production technology, energy efficiency, waste minimization, inventory management, upgraded worker skills, and communications with customers and suppliers.

''(18) 'Modern technology' means the best available proven technology, techniques, and processes appropriate to enhancing the productivity of manufacturers.''.

(b) REDESIGNATIONS.—The Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.) is amended—

(1) by inserting immediately after section 4 the following new title heading:

''TITLE I—DEPARTMENT OF COMMERCE AND RELATED PROGRAMS'';

(2) by redesignating sections 5 through 10 as sections 101 through 106, respectively;

(3) by striking section 21;

(4) by redesignating sections 16 through 20, and 22, as sections 107 through 112, respectively;

(5) by inserting immediately after section 112 (as redesignated by paragraph (4) of this subsection) the following new title heading:

''TITLE II—FEDERAL TECHNOLOGY TRANSFER'';

(6) by redesignating sections 11 through 15 as sections 201 through 205, respectively;

(7) by redesignating section 23 as section 206;

(8) in section 4—

(A) by striking ''section 5'' each place it appears and inserting in lieu thereof ''section 101'';

(B) in paragraphs (4) and (6), by striking ''section 6'' and ''section 8'' each place they appear and inserting in lieu thereof ''section 102'' and ''section 104'', respectively; and

(C) in paragraph (13), by striking ''section 6'' and inserting in lieu thereof ''section 102'';

(9) in section 105 (as redesignated by paragraph (2) of this subsection) by striking ''section 6'' each place it appears and inserting in lieu thereof ''section 102'';

(10) in section 106(d) (as redesignated by paragraph (2) of this subsection) by striking ''7, 9, 11, 15, 17, or 20'' and inserting in lieu thereof ''103, 105, 108, 111, 201, or 205'';

(11) in section 202(b) (as redesignated by paragraph (6) of this subsection) by striking ''section 14'' and inserting in lieu thereof ''section 204'';

(12) in section 204(a)(1) (as redesignated by paragraph (6) of this subsection) by striking ''section 12'' and inserting in lieu thereof ''section 202'';

(13) in section 112 (as redesignated by paragraph (4) of this subsection) by striking ''sections 11, 12, and 13'' and inserting in lieu thereof ''sections 201, 202, and 203'';

(14) in section 206 (as redesignated by paragraph (7) of this subsection)—

(A) by striking ''section 11(b)'' in subsection (a)(2) and inserting in lieu thereof ''section 201(b)''; and

(B) by striking ''section 6(d)'' in subsection (b) and inserting in lieu thereof ''section 102(d)''; and

(15) by adding at the end of section 201 (as redesignated by paragraph (6) of this subsection) the following new subsection:

''(j) ADDITIONAL TECHNOLOGY TRANSFER MECHANISMS.—In addition to the technology transfer mechanisms set forth in this section and section 202 of this Act, the heads of Federal departments and agencies also may transfer technologies through the technology transfer, extension, and deployment programs of the Department of Commerce and the Department of Defense.''.

SEC. 207. MANUFACTURING TECHNOLOGY CENTERS.

(a) MANUFACTURING TECHNOLOGY CENTERS.—Section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k), is amended—

(1) by amending the section heading to read as follows: ''MANUFACTURING TECHNOLOGY CENTERS'';

(2) in subsection (c)(5), by striking ''which are designed'' and all that follows through ''operation of a Center'' and inserting in lieu thereof ''to a maximum of one-third Federal funding. Each center which receives financial assistance under this section shall be evaluated during its sixth year of operation, and at such subsequent times as the Secretary considers appropriate, by an evaluation panel appointed by the Secretary in the same manner as was the evaluation panel previously appointed. The Secretary shall not provide funding for additional years of the Center's operation unless the evaluation is positive and the Secretary finds that continuation of funding furthers the goals of the Department. Such additional Federal funding shall not exceed one-third of the cost of the Center's operations'';

(3) by striking subsection (d); and

(4) by adding at the end the following new subsections:

''(d) If a Center receives a positive evaluation during its third year of operation, the Director may, any time after that evaluation, contract with the Center to provide additional technology extension or transfer services above and beyond the baseline activities of the Center. Such additional services may include, but are not necessarily limited to, the development and operation of the following:

''(1) Programs to assist small and medium-sized manufacturers and their employees in the Center's region to learn and apply the technologies, techniques, and processes associated with systems management technology, electric commerce, or improving manufacturing productivity.

''(2) Programs focused on the testing, development, and application of manufacturing and process technologies within specific technical fields such as advanced materials or electronics fabrication for the purpose of assisting United States companies, both large and small and both within the Center's original service region and in other regions, to improve manufacturing, product design, workforce training, and production in those specific technical fields.

''(3) Industry-lead demonstration programs that explore the value of innovative nonprofit manufacturing technology consortia to provide ongoing research, technology transfer, and worker training assistance for industrial members. An award under this paragraph shall be for no more than $500,000 per year, and shall be subject to renewal after a 1-year demonstration period.

''(e) In addition to any assistance provided or contracts entered into with a Center under this section, the Director is authorized to make separate and smaller awards, through a competitive process, to nonprofit organizations which wish to work with a Center. Such awards shall be for the purpose of enabling those organizations to provide supplemental outreach services, in collaboration with the Center, to small and medium-sized manufacturers located in parts of the region served by the Center which are not easily accessible to the Center and which are not served by any other manufacturing outreach center. Organizations which receive such awards shall be known as Local Manufacturing Offices. In reviewing applications, the Director shall consider the needs of rural as well as urban manufacturers. No single award for a Local Manufacturing Office shall be for more than three years, awards shall be renewable through the competitive awards process, and no award shall be made unless the applicant provides matching funds at least equal to the amount received under this section.

''(f) In carrying out this section, the Director shall coordinate his efforts with the plans for the National Manufacturing Outreach Network established under section 303 of the Stevenson-Wydler Technology Innovation Act of 1980.''.

(b) STATE TECHNOLOGY EXTENSION PROGRAM.—(1) Section 26(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278l(a)), is amended—

(A) by inserting immediately after ''(a)'' the following new sentence: ''There is established within the Institute a State Technology Extension Program.''; and

(B) by inserting ''through that Program'' immediately after ''technical assistance''.

(2) Section 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278l) is amended by adding at the end the following new subsection:

''(c) In addition to the general authorities listed in subsection (b) of this section, the State Technology Extension Program also shall, through merit-based competitive review processes and as authorizations and appropriations permit—

''(1) make awards to States and conduct workshops, pursuant to section 5121(b) of the Omnibus Trade and Competitiveness Act of 1988, in order to help States improve their planning and coordination of technology extension activities;

''(2) support industrial modernization demonstration projects to help States create networks among small manufacturers for the purpose of facilitating technical assistance, group services, and improved productivity and competitiveness;

''(3) support State efforts to develop and test innovative ways to help small and me-

dium-sized manufacturers improve their technical capabilities;

''(4) support State efforts designed to help small manufacturers in rural as well as urban areas improve and modernize their technical capabilities, including, as appropriate, interstate efforts to achieve such end;

''(5) support State efforts to assist interested small defense manufacturing firms to convert their production to nondefense or dual-use purposes;

''(6) support worker technology education programs in the States at institutions such as universities, community colleges, labor education centers, labor-management committees, and worker organizations in production technologies critical to the Nation's future, with an emphasis on high-performance work systems, the skills necessary to use advanced manufacturing systems well, and best production practice; and

''(7) help States develop programs to train personnel who in turn can provide technical skills to managers and workers of manufacturing firms.''.

SEC. 208. NATIONAL SCIENCE FOUNDATION MANUFACTURING ACTIVITIES.

(a) IN GENERAL.—The Director of the National Science Foundation, after, as appropriate, consultation with the Secretary, the Under Secretary, and the Director, shall—

(1) work with United States industry to identify areas of research in manufacturing technologies and practices that offer the potential to improve United States productivity, competitiveness, and employment;

(2) support research at United States universities to improve manufacturing technologies and practices; and

(3) work with the Technology Administration and the Institute and, as appropriate, other Federal agencies to accelerate the transfer to United States industry of manufacturing research and innovations developed at universities.

(b) ENGINEERING RESEARCH CENTERS AND INDUSTRY/UNIVERSITY COOPERATIVE RESEARCH CENTERS.—The Director of the National Science Foundation shall strengthen and expand the number of Engineering Research Centers and strengthen and expand the Industry/University Cooperative Research Centers Program with the goals of increasing the engineering talent base versed in technologies critical to the Nation's future, with emphasis on advanced manufacturing, and of advancing fundamental engineering knowledge in these technologies. At least one Engineering Research Center shall have a research and education focus on the concerns of traditional manufacturers, including small and medium-sized firms that are trying to modernize their operations. Awards under this subsection shall be made on a competitive, merit review basis. Such awards may include support for acquisition of instrumentation, equipment, and facilities related to the research and education activities of the Centers and support for undergraduate students to participate in the activities of the Centers.

(c) GRADUATE TRAINEESHIPS.—The Director of the National Science Foundation, in consultation with the Secretary, may establish a program to provide traineeships to graduate students at institutions of higher education within the United States who choose to pursue masters or doctoral degrees in manufacturing engineering.

(d) MANUFACTURING MANAGERS IN THE CLASSROOM PROGRAM.—The Director of the National Science Foundation, in consultation with the Secretary, may establish a program to provide fellowships, on a cost-shared basis, to individuals from industry with experience in manufacturing to serve for 1 or 2 years as instructors in manufacturing at 2-year community and technical colleges in the United States. In selecting fellows, the Director of the National Science Foundation shall place special emphasis on supporting individuals who not only have expertise and practicable experience in manufacturing but who also will work to foster cooperation between 2-year colleges and nearby manufacturing firms.

(e) PROGRAMS TO TEACH TOTAL QUALITY MANAGEMENT.—The Director of the National Science Foundation, in consultation with the Secretary, the Under Secretary, and the Director, may establish a program to develop innovative curricula, courses, and materials for use by institutions of higher education for instruction in total quality management and related management practices, in order to help improve the productivity of United States industry.

TITLE III—CRITICAL TECHNOLOGIES

Subtitle A—Miscellaneous

SEC. 301. FINDINGS.

The Congress finds that—

(1) the rapid, effective use of a range of advanced technologies in the design and production of products has been a key factor in the success of foreign-based companies;

(2) our competitor nations in the global marketplace have been very successful in targeting critical emerging technologies, such as computers and advanced electronics, advanced materials applications, and biotechnology;

(3) investments in the development of civilian technology have tremendous long-term economic and employment potential;

(4) our most successful competitor nations in the global marketplace have created supportive structures and programs within their national governments to help their domestic industries increase their global market shares;

(5) agriculture and aerospace are two examples of industries that have achieved commercial success with strong support from the United States Government; and

(6) there is a need to strengthen the United States commitment to bridging the gap between research and development and the application of technology.

SEC. 302. STUDY OF SEMICONDUCTOR LITHOGRAPHY TECHNOLOGIES.

Within 9 months after the date of enactment of this Act, the Under Secretary shall, after consultation with the private sector and appropriate officials from other Federal agencies, submit to Congress a report on advanced lithography technologies for the production of semiconductor devices. The report shall include the Under Secretary's evaluation of the likely technical and economic advantages and disadvantages of each such technology, an analysis of current private and Government research to develop each such technology, and any recommendations the Under Secretary may have regarding future Federal support for research and development in advanced lithography.

Subtitle B—Advanced Technology Program

SEC. 321. DEVELOPMENT OF PROGRAM PLAN.

The Secretary, acting through the Under Secretary and the Director, shall, within 6 months after the date of enactment of this Act, submit to the Congress a plan for the expansion of the Advanced Technology Program established under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n), with specific consideration given to—

(1) closer coordination and cooperation with the Defense Advanced Research Projects Agency and other Federal research and development agencies as appropriate;

(2) establishment of staff positions that can be filled by industrial or technical experts for a period of one to two years;

(3) broadening of the scope of the program to include as many critical technologies as is appropriate;

(4) changes that may be needed when annual funds available for grants under the Program reach levels of $200,000,000 and $500,000,000; and

(5) administrative steps necessary for Program support of large-scale industry-led consortia similar to, or possibility eventually including, the Semiconductor Manufacturing Technology Institute.

SEC. 322. TECHNICAL AMENDMENTS.

Section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n) is amended—

(1) in subsection (b)(1)(B)(ii), by striking ''provision of a minority share of the cost of such joint ventures for up to 5 years'' and inserting in lieu thereof ''the option of provision of either—

''(I) a minority share of the cost of such joint ventures for up to 5 years; or

''(II) only direct costs, and not indirect costs, profits, or management fees, for up to 5 years''; and

(2) by adding at the end the following new subsection:

''(k) Notwithstanding subsections (b)(1)(B)(ii) and (d)(3), the Director may grant an extension of not to exceed 6 months beyond the deadlines established under those subsections for joint venture and single applicant awardees to expend Federal funds to complete their projects, if such extension may be granted with no additional cost to the Federal Government.''.

Subtitle C—Technology Development Loans

SEC. 331. TECHNOLOGY DEVELOPMENT LOANS.

(a) AUTHORITY TO MAKE LOANS.—The Secretary may make loans—

(1) acting through the Under Secretary, to small and medium sized businesses eligible for assistance under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n), to the extent provided in section 504(b) of the Congressional Budget Act of 1974; or

(2) acting through critical technologies development companies licensed under section 351 of this title, to small and medium sized businesses eligible for assistance under subtitle D of this title, to the extent provided in section 355 of this title.

(b) PURPOSE.—Loans under this section shall be for sound financing of small and medium-sized businesses engaged in research, development, demonstration, or exploitation of advanced technologies and products, including those in fields such as automation, electronics, advanced materials, biotechnology, and optical technologies.

(c) INTEREST RATE, TERMS, AND CONDITIONS.—Loans under this section shall be made at an interest rate equal to the Government borrowing rate plus an insurance surcharge of up to 2 percent, and shall have other terms and conditions consistent with section 355(b) of this title.

Subtitle D—Critical Technologies Development

PART I—GENERAL PROVISIONS

SEC. 341. SHORT TITLE.

This subtitle may be cited as the ''Critical Technologies Development Act of 1992''.

SEC. 342. DEFINITIONS.

For purposes of this subtitle—

(1) the term ''advanced technologies'' means technologies eligible for assistance under the Advanced Technology Program established under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n);

(2) the term ''articles'' means articles of incorporation for an incorporated body, and the functional equivalent, or other similar documents specified by the Under Secretary, for other business entities;

(3) the term ''critical technologies'' means technologies identified as critical technologies pursuant to section 603(d) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6683(d));

(4) the term ''Department'' means the Department of Commerce;

(5) the term ''executive agency'' has the meaning given such term in section 105 of title 5, United States Code;

(6) the term ''license'' means a license issued by the Under Secretary under section 351;

(7) the term ''licensee'' means a critical technologies development company licensed under section 351;

(8) the term ''preferred securities'' means preferred stock or a preferred limited partnership interest or other similar security, as defined by the Under Secretary by regulation;

(9) the term ''private equity capital'' means the paid-in capital and paid-in surplus, on hand or legally committed to be provided, of a licensee organized as a corporation, or the partnership capital, on hand or legally committed to be provided, of a licensee organized as an unincorporated partnership, but does not include any funds—

(A) borrowed by the licensee from any source;

(B) obtained from the sale of preferred securities; or

(C) derived directly or indirectly from any Federal source;

(10) the term ''qualified business concern'' means an incorporated or unincorporated enterprise, organized under the laws of a State, if—

(A)(i) the business of such enterprise includes the pursuit of commercial applications described in section 9(e)(4)(C) of the Small Business Act (15 U.S.C. 638(e)(4)(C));

(ii) the principal business of such enterprise is the development or exploitation of a critical technology; or

(iii) such enterprise is eligible for assistance under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n); and

(B) such enterprise is principally engaged in the development or exploitation of inventions, technological improvements, new processes, or products not previously generally available (within the meaning of section 851(e)(1) of the Internal Revenue Code of 1986);

(11) the term ''State'' means several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States;

(12) the term ''university sponsored licensee'' means a critical technologies development company licensed under section 351 in which a single university or consortium of universities have at least a 25 percent investment interest in the private equity capital of such licensee; and

(13) the term ''venture capital'' means consideration for such common stock, preferred stock, or other financing with subordination or nonamortization characteristics, issued by a qualified business concern, as the Under Secretary determines to be substantially similar to equity financing, including subordinated debt with equity features which provides for interest payments contingent upon and limited to the extent of earnings.

SEC. 343. ESTABLISHMENT OF PROGRAM.

(a) ESTABLISHMENT.—In order to stimulate and facilitate the formation and growth of privately managed technology investment firms, for the purpose of encouraging and enhancing the ability of such firms to make available long-term, patient capital needed for the formation, development, and growth of United States business concerns that are engaged principally in the development or utilization of critical and other advanced technologies, and thereby to contribute to United States economic competitiveness, employment, and prosperity, there is established within the Technology Administration of the Department of Commerce a Critical Technologies Development Program. The Secretary, through the Under Secretary and under the provisions of this subtitle, shall, through such Program, provide for the selection, licensing, and financial and technical support of technology investment firms which in turn shall provide financial, management, and technical assistance to qualified business concerns.

(b) RESPONSIBILITIES.—(1) The Secretary, acting through the Under Secretary, and subject to the availability of appropriations, shall be responsible for carrying out this subtitle, and in doing so shall—

(A) consult with and, to the extent permitted by law, utilize the capabilities of other executive agencies, as appropriate, to ensure the efficient and effective implementation of this subtitle;

(B) explore, with other executive agencies, ways to avoid duplication of effort by consolidating the administration of the program established by this subtitle with any other similar Federal program, and as part of such consolidation may delegate administrative functions, as necessary and appropriate, to another executive agency; and

(C) consult with the Secretary of Energy on all policy matters related to the Critical Technologies Development Program that deal with development or utilization of energy technologies.

(2) To the extent permitted by law, other executive agencies shall assist the Under Secretary in carrying out this subtitle.

SEC. 344. ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Under Secretary shall establish an independent advisory committee to advise the Under Secretary on matters related to policy, planning, operation, and performance of the critical technologies development program under this subtitle.

(b) MEMBERS.—The advisory committee shall be composed of at least 7 but not more than 13 members representing industry, small business, academia, and the financial community.

(c) TERMINATION.—Section 14 of the Federal Advisory Committee Act shall not apply to the advisory committee established under this section.

PART II—PROGRAM STRUCTURE AND OPERATION

SEC. 351. ORGANIZATION AND LICENSING.

(a) IN GENERAL.—A licensee shall be an incorporated body or a limited partnership organized and chartered or otherwise existing under State law solely for the purpose of performing the functions and conducting the activities contemplated under this subtitle, which, if incorporated, has succession for a period of not less than 30 years unless sooner dissolved by its shareholders, and if a limited partnership, has succession for a period of not less than 10 years, and possesses the powers reasonably necessary to perform such functions and conduct such activities.

(b) ARTICLES.—The articles of any licensee shall specify in general terms the objects for which the licensee is formed, the name assumed by such licensee, the area or areas in which its operations are to be carried on, the place where its principal office is to be located, and the amount and classes of its shares of capital stock. Such articles may contain any other provisions not inconsistent with this subtitle that the licensee may see fit to adopt for the regulation of its business and the conduct of its affairs. Such articles and any amendments thereto adopted from time to time shall be subject to the approval of the Under Secretary.

(c) APPROVAL OF ARTICLES; LICENSING.—The articles and amendments thereto shall be forwarded to the Under Secretary for consideration and approval or disapproval. In determining whether to approve a prospective licensee's articles and permit it to operate under the provisions of this subtitle, the Under Secretary shall give due regard, among other things, to the general business reputation, character, suitability, and demonstrated ability in the growth of qualified business concerns, of the proposed owners and management of the critical technologies development company, and the likelihood of successful operations of such company including adequate profitability and financial soundness. After consideration of all relevant factors, if the Under Secretary approves the company's articles and determines that the applicant satisfies the requirements of this subtitle, the Under Secretary may approve the company to operate under the provisions of this subtitle and issue the company a license for such operation.

SEC. 352. CAPITAL REQUIREMENTS.

(a) CAPITAL REQUIREMENTS AND MANAGEMENT.—(1) The private equity capital of a licensee shall be adequate to ensure a reasonable prospect that the licensee will be operated soundly and profitably, and managed actively and prudently in accordance with its articles. Such private equity capital shall not be less than $10,000,000, except that, in the case of a university sponsored licensee, such private equity capital shall not be less than $5,000,000. At the time of issuance of a license, not less than 75 percent of the private equity capital of the licensee shall be available or committed to be available for new investment in accordance with section 355.

(2) The management and operational control of a licensee shall be carried out by the private sector.

(3) Private and public pension funds may contribute to the private equity capital of a licensee without restriction as to the amount of such contribution.

(4) State and local government entities may contribute not more than 40 percent of the total private equity capital of a licensee.

(b) LIMITATION ON STOCK OWNERSHIP.—The aggregate amount of shares in any such licensee or licensees which may be owned or controlled by any stockholder, or by any group or class of stockholders, may be limited by the Under Secretary.

SEC. 353. FINANCING.

(a) AUTHORITY TO PURCHASE AND GUARANTEE PREFERRED SECURITIES.—To encourage and facilitate the formation and growth of a licensee, the Under Secretary may purchase nonvoting, nonparticipating preferred securities with mandatory redemption issued by a licensee, or guarantee the payment of 100 percent of the redemption price of and dividends on such preferred securities, to the extent provided in section 504(b) of the Federal Credit Reform Act of 1990. Such purchases and guarantees shall constitute direct loans and loan guarantees within the meaning of paragraphs (1) and (3) of section 502 of the Federal Credit Reform Act of 1990, respectively. A trust or pool acting on behalf of the Under Secretary may purchase preferred securities that are guaranteed under this subsection.

(b) TERMS AND CONDITIONS OF PREFERRED SECURITIES.—(1) Guarantees and purchases of preferred securities under this section may be made on such terms and conditions as the Under Secretary shall establish by regula-

tion or set forth in contract to ensure compliance with this section and to minimize the risk of loss to the United States in the event of default. Preferred securities issued under this section shall be of such sound value as to reasonably ensure that the requirements of paragraphs (3) and (4) will be satisfied.

(2)(A) Except as provided in subparagraph (B), preferred securities issued under this section shall be senior in priority for all purposes to all non-Federal equity interests in a licensee unless the Under Secretary, in the exercise of reasonable investment prudence and in considering the financial soundness of the licensee, determines otherwise.

(B) The equity interests of a university or consortium of universities in a licensee shall be equal in priority to Federal equity interests in such licensee for all purposes unless the Under Secretary, in the exercise of reasonable investment prudence and in considering the financial soundness of the licensee, determines otherwise.

(3) Preferred securities issued under this section shall be redeemed by the issuer not later than 10 years after their date of issuance for an amount equal to 100 percent of the original issue price plus any accrued and unpaid dividends. Redemption of such preferred securities may be extended by mutual consent for no more than 5 years beyond such expiration date.

(4) Preferred securities issued under this section shall pay dividends at a rate determined by the Secretary of the Treasury at the time of issuance to equal the then current average market yield on outstanding marketable debt obligations of the United States with remaining periods to maturity comparable to the time to required redemption of such preferred securities, plus such additional charge, if any, toward covering expected defaults and reasonable administrative costs of carrying out this subtitle as the Under Secretary may determine to be reasonable and appropriate. Such additional charge shall not exceed 2 percent.

(5) Dividends on preferred securities issued under this section shall be cumulative and preferred and paid out of net realized earnings and returns of capital available for distribution, as defined by the Under Secretary by regulation.

(6) The payment of dividends on preferred securities issued under this section may be deferred by the issuer until such time as, and to the extent that, the issuer realizes earnings and returns of capital available for distribution. Accumulated and unpaid dividends on such preferred securities shall be paid by the issuer before or at the time of redemption of the preferred securities and before any distribution of net realized earnings and returns of capital of the issuer to its non-Federal equity investors, except as provided in subsection (e)(2)(B) and (C). With respect to preferred securities issued under this section to a party other than the Under Secretary, during the time of any deferral under this paragraph, the Under Secretary shall make, on behalf of the issuer, required dividend payments to the holder of the preferred securities, its agents or assigns, or the appropriate central registration agent, if any. The authority to make dividend payments provided in this paragraph shall be limited to the extent of amounts provided in advance in appropriations Acts for such purposes.

(7) For purposes of this subsection, the term ''dividends'' means dividends on preferred stock and returns on preferred limited partnership interests or other similar securities, as defined by the Under Secretary by regulation.

(c) LIMITATIONS AND RESTRICTIONS.—(1) Not less than 65 percent of the private equity capital of a licensee shall be invested or committed to be invested in qualified business concerns in accordance with its license, this subtitle, and regulations issued under this subtitle, before the Under Secretary may purchase or guarantee, or a trust or pool acting on behalf of the Under Secretary may purchase, preferred securities of the licensee under subsection (a).

(2) The total principal amount of debt, as evidenced by notes, bonds, debentures, or certificates of indebtedness, plus the total face amount of preferred securities purchased or guaranteed by the Under Secretary under subsection (a), issued and outstanding from a licensee shall not exceed 200 percent of the private equity capital of the licensee.

(3) The total face amount of preferred securities purchased or guaranteed by the Under Secretary under subsection (a) and outstanding from a licensee or a combination of licensees which are commonly controlled, as defined and determined by the Under Secretary, shall not exceed $100,000,000.

(4)(A) If preferred securities issued under this section are outstanding, then the issuing licensee shall be subject to the following restrictions:

(i) The total principal amount of debt, as evidenced by notes, bonds, debentures, or certificates of indebtedness, of a licensee issued and outstanding may not exceed 50 percent of the private equity capital of the licensee.

(ii) The annual management expenses of a licensee shall not exceed 2.5 percent of its invested assets plus .5 percent of its cash and cash equivalents, unless the Under Secretary approves a greater amount which the Under Secretary determines to be reasonable and appropriate.

(B) For purposes of this paragraph, the term ''management expenses'' includes expenses incurred in the normal course of operations, but shall not include the cost of legal, accounting, and consulting services provided by outside parties and by affiliates of the licensee which are not normal practice in making and monitoring investments consistent with the purposes of this subtitle.

(d) USE OF PROCEEDS BY LICENSEES.—(1) A licensee issuing preferred securities under this section shall invest or commit to invest an amount equal to the face value of such preferred securities that are outstanding in the venture capital of qualified business concerns in accordance with section 355.

(2) At least 50 percent of the amount of investments required under paragraph (1) shall be for early stage financing as necessary to prove concepts and develop—

(A) preprototypes or prototypes of products that constitute a critical or other advanced technology; or

(B) services that utilize, in a meaningful and substantial manner, a critical or other advanced technology.

The Under Secretary may alter the percentage requirement under this paragraph to the extent necessary, in the determination of the Under Secretary, to achieve and maintain prudent investment diversification.

(3) Proceeds to a licensee derived from preferred securities issued under this section may be used by the issuer to redeem any preferred securities issued under this section that have been outstanding at least 5 years, as provided in subsection (b)(3).

(4) Proceeds to a licensee derived from preferred securities issued under this section that have not been invested pursuant to paragraph (1) or used for redemptions pursuant to paragraph (3) and are not reasonably needed for the operations of the licensee shall be invested in direct obligations of, or obligations guaranteed as to principal and interest by, the United States, or in certificates of deposit maturing within one year or less, issued by any institution the accounts of which are insured by the Federal Deposit Insurance Corporation.

(e) PROFIT DISTRIBUTION BY LICENSEES.—(1) Any distribution of net realized earnings and returns of capital made by a licensee that exceeds amounts required for the purposes stated in paragraph (2) shall be distributed pro rata to all investors entitled to such distributions. The United States shall receive no funds under this paragraph.

(2)(A) Except as provided in subparagraphs (B) and (C), any distribution of net realized earnings and returns of capital made by a licensee shall first be used to pay accumulated and unpaid dividends owed on outstanding preferred securities issued under this section and to satisfy the redemption requirements of subsection (b)(3).

(B) For purposes of subparagraph (A), the redemption requirements of subsection (b)(3) shall be considered to be satisfied if necessary and appropriate actions, as determined by the Under Secretary, have been undertaken by the licensee to ensure that such requirements will be satisfied.

(C) If a licensee is operating as a limited partnership or as a corporation described in subchapter S of chapter 1 of subtitle A of the Internal Revenue Code of 1986 or an equivalent pass-through entity for tax purposes, it may distribute to the partners or shareholders an amount equal to the estimated amount of Federal, State, and local income taxes due from such partners and shareholders on their share of undistributed taxable income for the current taxable year before payments described in subparagraph (A) are made.

(f) USE OF PAYMENTS TO THE UNITED STATES.—Amounts received by the United States from the payment of dividends and the redemption of preferred securities pursuant to this section, and fees paid to the United States by a licensee pursuant to this subtitle, shall be deposited in an account established by the Under Secretary and shall be available solely for carrying out this subtitle, to the extent provided in advance in appropriations Acts.

SEC. 354. ISSUANCE AND GUARANTEE OF TRUST CERTIFICATES.

(a) AUTHORITY TO ISSUE TRUST CERTIFICATES.—The Under Secretary is authorized to issue trust certificates representing ownership of all or a fractional part of preferred securities issued by licensees and guaranteed by the Under Secretary under this subtitle. Such trust certificates shall be based on and backed by a trust or pool approved by the Under Secretary and composed of preferred securities and such other contractual obligations as the Under Secretary may undertake to facilitate the sale of such trust certificates.

(b) GUARANTEE OF TRUST CERTIFICATES.—The Under Secretary is authorized, upon such terms and conditions as are deemed appropriate, to guarantee the timely payment of the principal of and interest on trust certificates issued by the Under Secretary or his agent for purposes of this section. Such guarantee shall be limited to the extent of the redemption price of and dividends on the preferred securities, plus any related contractual obligations, which compose the trust or pool.

(c) PREPAYMENTS AND REDEMPTIONS.—In the event that preferred securities or contractual obligations in such trust or pool are redeemed or extinguished, either voluntarily or involuntarily, the guarantee of timely payment of principal and interest on the trust certificates shall be reduced in proportion to the amount of redemption price and dividends such redeemed preferred security or extinguished contractual obligation represents in the trust or pool. Dividends or partnership profit distributions on such preferred securities and related contractual obligations, shall accrue and be guaranteed by

the Under Secretary only through the date of payment on the guarantee. During the term of the trust certificate, it may be called for redemption, whether voluntary or involuntary, of all preferred securities residing in the pool.

(d) FEES.—Except as provided in subsection (f)(2), the Under Secretary shall not collect a fee for a guarantee under this section.

(e) PAYMENT OF CLAIMS.—(1) In the event the Under Secretary pays a claim under a guarantee issued under this section, it shall be subrogated fully to the rights satisfied by such payment.

(2) No State or local law, and no Federal law, shall preclude or limit the exercise by the Under Secretary of ownership rights in the preferred securities residing in a trust or pool against which trust certificates are issued.

(f) REGISTRATION AND INTERMEDIARY OPERATIONS.—(1) The Under Secretary shall provide for a central registration of all trust certificates sold pursuant to this section. Such central registration shall include with respect to each sale, identification of each licensee, the interest rate or dividend rate paid by the licensee, commissions, fees, or discounts paid to brokers and dealers in trust certificates, identification of each purchaser of the trust certificate, the price paid by the purchaser for the trust certificate, the interest rate paid on the trust certificate, the fees of any agent for carrying out the functions described in paragraph (2), and such other information as the Under Secretary deems appropriate.

(2) The Under Secretary shall contract with an agent or agents to carry out on behalf of the Under Secretary the pooling and the central registration functions of this section including, notwithstanding any other provision of law, maintenance on behalf of and under the direction of the Under Secretary, such commercial bank accounts as may be necessary to facilitate trusts or pools backed by securities guaranteed or purchased under this subtitle, and the issuance of trust certificates to facilitate such poolings. Such agent or agents shall provide a fidelity bond or insurance in such amounts as the Under Secretary determines to be necessary to fully protect the interests of the Federal Government.

(3) Prior to any sale, the Under Secretary shall require the seller to disclose to a purchaser of a trust certificate issued pursuant to this section, information on the terms, conditions, and yield of such instrument.

SEC. 355. CAPITAL FOR QUALIFIED BUSINESS CONCERNS.

(a) PROVISION OF VENTURE CAPITAL.—Each licensee may provide venture capital to qualified business concerns, in such manner and under such terms as the licensee may fix in accordance with the regulations of the Under Secretary. Venture capital provided to incorporated qualified business concerns under this subsection may be provided directly or in cooperation with other investors, incorporated or unincorporated, through agreements to participate on an immediate basis.

(b) LOAN AUTHORITY.—Each licensee may make loans, directly or in cooperation with other lenders, incorporated or unincorporated, through agreements to participate on an immediate or deferred basis, to qualified business concerns to provide such concerns with funds needed for sound financing related to development or utilization of critical or other advanced technologies, subject to the following conditions:

(1) The maximum rate of interest for the licensee's share of any loan made under this subsection shall be determined by the Under Secretary.

(2) Any loan made under this subsection shall have a maturity not exceeding 10 years.

(3) Any loan made under this subsection shall be of such sound value, or so secured, as to reasonably ensure repayment.

(4) Any licensee which has made a loan under this subsection may extend the maturity of or renew such loan for additional periods, not exceeding 5 years, if the licensee finds that such extension or renewal will aid in the orderly liquidation of such loan.

(c) STATE USURY LAWS.—Any provision of the constitution or laws of a State which expressly limits the rate or the amount of interest or other charges related to a loan that may be charged or received by a licensee shall not apply to a loan made under subsection (b).

SEC. 356. LIMITATION ON AMOUNT OF ASSISTANCE.

If a licensee has issued preferred securities under section 353(a) and such securities are outstanding, then the aggregate amount of obligations and securities acquired and for which commitments may be issued by a licensee for any single qualified business concern shall not exceed 20 percent of the private equity capital of such licensee, unless the Under Secretary approves a greater amount.

SEC. 357. OPERATION AND REGULATION.

(a) COOPERATION WITH FINANCIAL INSTITUTIONS.—Wherever practicable the operations of a licensee, including the generation of business, may be undertaken in cooperation with banks or other investors or lenders, incorporated or unincorporated, and any servicing or initial investigation required for loans or acquisitions of securities by the licensee under the provisions of this subtitle may be handled through such banks or other investors or lenders on a fee basis. Any licensee may receive fees for services rendered to such banks and other investors and lenders.

(b) USE OF ADVISORY SERVICES; DEPOSITORY OR FISCAL AGENTS.—Each licensee may make use, wherever practicable, of the advisory services of the Federal Reserve System and of the Department of Commerce which are available for and useful to industrial and commercial businesses, and may provide consulting and advisory services on a fee basis and have on its staff persons competent to provide such services. Any Federal Reserve bank is authorized to act as a depository or fiscal agent for any licensee operating under the provisions of this subtitle.

(c) REGULATIONS.—The Under Secretary is authorized to prescribe regulations governing the operations of licensees, and to carry out the provisions of this subtitle, in accordance with the purposes of this subtitle. Regulations to implement this subtitle shall be issued not later than 180 days after the date of enactment of this Act.

(d) LIABILITY OF THE UNITED STATES.—Nothing in this subtitle or in any other provision of law imposes any liability on the United States with respect to any obligations entered into, or stocks issued, or commitments made, by any licensee operating under the provisions of this subtitle.

SEC. 358. TECHNICAL ASSISTANCE FOR LICENSEES AND QUALIFIED BUSINESS CONCERNS.

(a) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance and services, as appropriate and needed, to licensees and to qualified business concerns receiving financial assistance under this subtitle, and shall ensure that such qualified business concerns have ready access to assistance available under title II of this Act, or under any other Act, in order to aid such qualified business concerns in their development or utilization of critical or other advanced technologies. Technical assistance and services under this subsection shall include providing licensees and qualified business concerns with—

(1) an assessment of the technological and scientific feasibility of a project, or an analysis of a specific field of technical or scientific endeavor;

(2) improved access to technology developed by the Institute and assistance in obtaining access to technology developed by other Federal agencies and laboratories;

(3) expert analysis of the economics of technology development undertaken by a qualified business concern; and

(4) any other assistance or service that the Under Secretary determines, after consultation with licensees and qualified business concerns, is necessary and appropriate to enhance prospects for success and to reduce technical risk for licensees and qualifed business concerns.

(b) FEES.—The Secretary may charge fees for services and technical assistance provided under subsection (a) in amounts sufficient to cover the reasonable cost of such services and assistance. The Secretary may waive fees established under this subsection.

SEC. 359. ANNUAL AUDIT AND REPORT.

(a) REQUIREMENT.—The Under Secretary shall prepare, in consultation with the advisory committee established under section 344, and submit annually a report to the Congress containing a full and detailed account of operations under this subtitle. Such report shall include an audit setting forth the amount and type of disbursements, receipts, and losses sustained by the Federal Government as a result of such operations during the preceding fiscal year, together with an estimate of the total disbursements, receipts, and losses which the Federal Government can reasonably expect to incur as a result of such operations during the then current fiscal year.

(b) CONTENTS.—In the annual report submitted under subsection (a), the Under Secretary shall also include full and detailed accounts relative to the following matters:

(1) The Under Secretary's plans to ensure the provision of licensee financing to all areas of the country and to all qualified business concerns, including steps taken to accomplish that goal.

(2) Steps taken by the Under Secretary to maximize recoupment of Federal Government funds incident to the inauguration and administration of the licensee program, and to ensure compliance with statutory and regulatory standards relating thereto.

(3) An accounting by the Treasury Department with respect to tax revenues accruing to the Federal Government from business concerns receiving assistance under this subtitle.

(4) An accounting by the Treasury Department with respect to both tax losses and increased tax revenues related to licensee financing of both individual and corporate business taxpayers.

(5) Recommendations with respect to program changes, statutory changes, and other matters, including tax incentives to improve and facilitate the operations of licensees and to encourage the use of their financing facilities by qualified business concerns.

PART III—ENFORCEMENT

SEC. 361. INVESTIGATIONS AND EXAMINATIONS.

(a) REPORTING REQUIREMENTS.—Each license issued under this subtitle shall require a licensee with outstanding preferred securities to provide the Under Secretary such information, including companies financed, disbursements made along with associated terms and conditions, receipts, portfolio valuation at cost and at estimated fair market value, and other financial statements, that the Under Secretary may require to determine, in a timely manner, compliance with this subtitle and regulations promulgated under this subtitle. Such reporting shall be—

(1) uniform for all licensees; and

(2) independently audited, at the expense of a licensee, in accordance with generally accepted auditing standards and submitted to the Under Secretary no later than 60 days after the end of a licensee's fiscal year, with interim unaudited financial statements provided to the Under Secretary no later than 45 days after the end of each 3-month period during a licensee's fiscal year.

The Under Secretary may exempt from making such reports any licensee which is registered under the Investment Company Act of 1940 only to the extent necessary to avoid duplication in reporting requirements.

(b) VALUATIONS.—The Under Secretary shall, by regulation, establish guidelines for estimating the fair market value of investments held by a licensee as required under subsection (a). The board of directors of a corporate licensee and the general partners of a partnership licensee shall have the sole responsibility for making a good faith determination of the fair market value of investments held by such licensee, based on guidelines established under this subsection.

(c) INVESTIGATIONS.—The Secretary may make such investigations as the Secretary deems necessary to determine whether a licensee or any other person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this subtitle, or of any rule or regulation under this subtitle or any order issued under this subtitle. The Secretary shall permit any person to file a statement in writing, under oath or otherwise as the Secretary shall determine, as to all the facts and circumstances concerning the matter to be investigated. For the purpose of any investigation, the Secretary is empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, and documents which are relevant to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States. In case of contumacy by, or refusal to obey a subpoena issued to, any person, including a licensee, the Secretary may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, and documents; and such court may issue an order requiring such person to appear before the Secretary, there to produce records, if so ordered, or to give testimony touching the matter under investigation. Any failure to obey such order of the court may be punished by such court as a contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or wherever he may be found.

(d) EXAMINATIONS.—(1) Each licensee shall be subject to examinations made at the direction of the Under Secretary by examiners selected or approved by, and under the supervision of, the Under Secretary. The Under Secretary is authorized to enter into contracts with private parties to perform such examinations. The cost of such examinations, including the compensation of the examiners, may in the discretion of the Under Secretary be assessed against the licensee examined and when so assessed shall be paid by such licensee.

(2) Each licensee shall be examined at least every 2 years in such detail so as to determine whether or not—

(A) it has engaged solely in lawful activities and those contemplated by this subtitle;

(B) it has engaged in prohibited conflicts of interest;

(C) it has acquired or exercised illegal control of an assisted qualified business concern;

(D) it has invested more than 20 percent of its capital in any individual qualified business concern;

(E) it has engaged in relending, foreign investments, or passive investments; or

(F) it has charged an interest rate in excess of the maximum permitted by law.

(3) The Under Secretary may waive the examination—

(A) for up to one additional year if, in his discretion he determines such a delay would be appropriate, based upon the amount of debentures and preferred securities being issued by the licensee and its repayment record, the prior operating experience of the licensee, the contents and results of the last examination and the management expertise of the licensee; or

(B) if it is a licensee whose operations have been suspended while the licensee is involved in litigation or is in receivership.

SEC. 362. REVOCATION AND SUSPENSION OF LICENSES; CEASE AND DESIST ORDERS.

(a) GROUNDS FOR REVOCATION OR SUSPENSION.—A license may be revoked or suspended by the Secretary—

(1) for false statements allowingly made in any written statement required under this subtitle, or under any regulation issued under this subtitle by the Under Secretary;

(2) if any written statement required under this subtitle, or under any regulation issued under this subtitle by the Under Secretary, fails to state a material fact necessary in order to make the statement not misleading in the light of the circumstances under which the statement was made;

(3) for willful or repeated violation of, or willful or repeated failure to observe, any provision of this subtitle;

(4) for willful or repeated violation of or willful or repeated failure to observe, any rule or regulation of the Under Secretary authorized by this subtitle; and

(5) for violation of, or failure to observe, any cease and desist order issued by the Secretary under this section.

(b) CEASE AND DESIST ORDERS.—Where a licensee or any other person has not complied with any provision of this subtitle, or of any regulation issued pursuant thereto by the Under Secretary, or is engaging or is about to engage in any acts or practices which constitute or will constitute a violation of such subtitle or regulation, the Secretary may order such licensee or other person to cease and desist from such action or failure to act. The Secretary may further order such licensee or other person to take such action or to refrain from such action as the Secretary considers necessary to ensure compliance with such subtitle and regulations. The Secretary may also suspend the license of a licensee, against whom an order has been issued, until such licensee complies with such order.

(c) PROCEDURES.—Before revoking or suspending a license pursuant to subsection (a) or issuing a cease and desist order pursuant to subsection (b), the Secretary shall serve upon the licensee and any other person involved an order to show cause why an order revoking or suspending the license or a cease and desist order should not be issued. Any such order to show cause shall contain a statement of the matters of fact and law asserted by the Secretary and the legal authority and jurisdiction under which a hearing is to be held, and shall set forth that a hearing will be held before the Secretary at a time and place stated in the order. If after hearing, or a waiver thereof, the Secretary determines on the record that an order revoking or suspending the license or a cease and desist order should issue, the Secretary shall promptly issue such order, which shall include a statement of the findings of the Secretary and the grounds and reasons therefor and specify the effective date of the order, and shall cause the order to be served on the licensee and any other person involved.

(d) SUBPOENAS.—The Secretary may require by subpoenas the attendance and testimony of witnesses and the production of all books, papers, and documents relating to the hearing from any place in the United States. Witnesses summoned before the Secretary shall be paid by the party at whose instance they were called the same fees and mileage that are paid witnesses in the courts of the United States. In case of disobedience to a subpoena, the Secretary, or any party to a proceeding before the Secretary, may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of books, papers, and documents.

(e) JUDICIAL REVIEW.—An order issued by the Secretary under this section shall be final and conclusive unless within 30 days after the service thereof the licensee, or other person against whom an order is issued, appeals to the United States court of appeals for the circuit in which such licensee has its principal place of business by filing with the clerk of such court a petition praying that the Secretary's order be set aside or modified in the manner stated in the petition. After the expiration of such 30 days, a petition may be filed only by leave of court on a showing of reasonable grounds for failure to file the petition theretofore. The clerk of the court shall immediately cause a copy of the petition to be delivered to the Secretary, and the Secretary shall thereupon certify and file in the court a transcript of the record upon which the order complained of was entered. If before such record is filed the Secretary amends or sets aside its order, in whole or in part, the petitioner may amend the petition within such time as the court may determine, on notice to the Secretary. The filing of a petition for review shall not of itself stay or suspend the operation of the order of the Secretary, but the court of appeals in its discretion may restrain or suspend, in whole or in part, the operation of the order pending the final hearing and determination of the petition. The court may affirm, modify, or set aside the order of the Secretary. If the court determines that the just and proper disposition of the case requires the taking of additional evidence, the court shall order the Secretary to reopen the hearing for the taking of such evidence, in such manner and upon such terms and conditions as the court may deem proper. The Secretary may modify its findings as to the facts, or make new findings, by reason of the additional evidence so taken, and it shall file its modified or new findings and the amendments, if any, of its order, with the record of such additional evidence. No objection to an order of the Secretary shall be considered by the court unless such objection was urged before the Secretary or, if it was not so urged, unless there were reasonable grounds for failure to do so. The judgment and decree of the court affirming, modifying, or setting aside any such order of the Secretary shall be subject only to review by the Supreme Court of the United States upon certification or certiorari as provided in section 1254 of title 28, United States Code.

(f) ENFORCEMENT.—If any licensee or other person against which or against whom an order is issued under this section fails to obey the order, the Secretary may apply to the United States court of appeals, within the circuit where the licensee has its principal place of business, for the enforcement of the order and shall file a transcript of the record upon which the order complained of was entered. Upon the filing of the applica-

tion the court shall cause notice thereof to be served on the licensee or other person. The evidence to be considered, the procedure to be followed, and the jurisdiction of the court shall be the same as is provided in subsection (e) for applications to set aside or modify orders.

SEC. 363. INJUNCTIONS AND OTHER ORDERS.

(a) IN GENERAL.—Whenever, in the judgment of the Secretary, a licensee or any other person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this subtitle, or of any rule or regulation under this subtitle, or of any order issued under this subtitle, the Secretary may make application to the proper district court of the United States or a United States court of any place subject to the jurisdiction of the United States for an order enjoining such acts or practices, or for an order enforcing compliance with such provision, rule, regulation, or order, and such courts shall have jurisdiction of such actions and, upon a showing by the Secretary that such licensee or other person has engaged or is about to engage in any such acts or practices, a permanent or temporary injunction shall be granted without bond.

(b) EQUITY JURISDICTION.—In any such proceeding the court as a court of equity may, to such extent as it deems necessary, take exclusive jurisdiction of the licensee or licensees and the assets thereof, wherever located; and the court shall have jurisdiction in any such proceeding to appoint a trustee or receiver to hold or administer under the direction of the court the assets so possessed.

(c) TRUSTEESHIP OR RECEIVERSHIP.—The Under Secretary shall have authority to act as trustee or receiver of the licensee. Upon request by the Secretary, the court may appoint the Under Secretary to act in such capacity unless the court deems such appointment inequitable or otherwise inappropriate by reason of the special circumstances involved.

SEC. 364. CONFLICTS OF INTEREST.

For the purpose of controlling conflicts of interest which may be detrimental to qualified business concerns, to licensees, to the shareholders or partners of either, or to the purposes of this subtitle, the Under Secretary shall adopt regulations to govern transactions with any officer, director, shareholder, or partner of any licensee, or with any person or concern, in which any interest, direct or indirect, financial or otherwise, is held by any officer, director, shareholder, or partner of (1) any licensee, or (2) any person or concern with an interest, direct or indirect, financial or otherwise, in any licensee. Such regulations shall include appropriate requirements for public disclosure (including disclosure in the locality most directly affected by the transaction) necessary to the purposes of this section.

SEC. 365. REMOVAL OR SUSPENSION OF DIRECTORS AND OFFICERS.

(a) GROUNDS.—The Secretary may serve upon any director or officer of a licensee a written notice of its intention to remove him from office whenever, in the opinion of the Secretary, such director or officer—

(1) has willfully and knowingly committed any substantial violation of—

(A) this subtitle;

(B) any regulation issued under this subtitle; or

(C) a cease-and-desist order which has become final; or

(2) has willfully and knowingly committed or engaged in any act, omission, or practice which constitutes a substantial breach of his fiduciary duty as such director or officer,

and that such violation or such breach of fiduciary duty is one involving personal dishonesty on the part of such director or officer.

(b) TEMPORARY SUSPENSION.—In respect to any director or officer referred to in subsection (a), the Secretary may, if he deems it necessary for the protection of the licensee or the interests of the Secretary, by written notice to such effect served upon such director or officer, suspend him from office and/or prohibit him from further participation in any manner in the conduct of the affairs of the licensee. Such suspension and/or prohibition shall become effective upon service of such notice and, unless stayed by a court in proceedings authorized by subsection (d), shall remain in effect pending the completion of the administrative proceedings pursuant to the notice served under subsection (a) and until such time as the Secretary shall dismiss the charges specified in such notice, or, if an order of removal and/or prohibition is issued against the director or officer, until the effective date of any such order. Copies of any such notice shall also be served upon the interested licensee.

(c) HEARING; ORDER OF REMOVAL.—A notice of intention to remove a director or officer, as provided in subsection (a), shall contain a statement of the facts constituting grounds therefor, and shall fix a time and place at which a hearing will be held thereon. Such hearing shall be fixed for a date not earlier than 30 days nor later than 60 days after the date of service of such notice, unless an earlier or a later date is set by the Secretary at the request of (1) such director or officer and for good cause shown, or (2) the Attorney General of the United States. Unless such director or officer shall appear at the hearing in person or by a duly authorized representative, he shall be deemed to have consented to the issuance of an order of such removal. In the event of such consent, or if upon the record made at any such hearing the Secretary shall find that any of the grounds specified in such notice has been established, the Secretary may issue such orders of removal from office as he deems appropriate. Any such order shall become effective at the expiration of 30 days after service upon such licensee and the director or officer concerned (except in the case of an order issued upon consent, which shall become effective at the time specified therein). Such order shall remain effective and enforceable except to such extent as it is stayed, modified, terminated, or set aside by section of the Secretary or a reviewing court.

(d) STAY OF SUSPENSION OR PROHIBITION.—Within 10 days after any director or officer has been suspended from office and/or prohibited from participation in the conduct of the affairs of a licensee under subsection (b), such director or officer may apply to the United States district court for the judicial district in which the home office of the licensee is located, or the United States District Court for the District of Columbia, for a stay of such suspension and/or prohibition pending the completion of the administrative proceedings pursuant to the notice served upon such director or officer under subsection (a), and such court shall have jurisdiction to stay such suspension and/or prohibition.

(e) FELONIES INVOLVING DISHONESTY OR BREACH OF TRUST.—Whenever any director or officer of a licensee is charged in any information, indictment, or complaint authorized by a United States attorney, with the commission of or participation in a felony involving dishonesty or breach of trust, the Secretary may, by written notice served upon such director or officer, suspend him from office and/or prohibit him from further participation in any manner in the conduct of the affairs of the licensee. A copy of such notice shall also be served upon the licensee. Such suspension and/or prohibition shall remain in effect until such information, indictment, or complaint is finally disposed of or until terminated by the Secretary. In the event that a judgment of conviction with respect to such offense is entered against such director or officer, and at such time as such judgment is not subject to further appellate review, the Secretary may issue and serve upon such director or officer an order removing him from office. A copy of such order shall be served upon such licensee, whereupon such director or officer shall cease to be a director or officer of such licensee. A finding of not guilty or other disposition of the charge shall not preclude the Secretary from thereafter instituting proceedings to suspend or remove such director or officer from office and/or to prohibit him from further participation in licensee affairs, pursuant to subsection (a) or (b).

(f) HEARINGS AND REVIEW.—(1) Any hearing provided for in this section shall be held in the Federal judicial district or in the territory in which the principal office of the licensee is located unless the party afforded the hearing consents to another place, and shall be conducted in accordance with the provisions of chapter 5 of title 5 of the United States Code. After such hearing, and within 90 days after the Secretary has notified the parties that the case has been submitted to it for final decision, the Secretary shall render a decision (which shall include findings of fact upon which his decision is predicated) and shall issue and cause to be served upon each party to the proceeding an order or orders consistent with the provisions of this section. Judicial review of any such order shall be exclusively as provided in this subsection. Unless a petition for review is timely filed in a court of appeals of the United States, as provided in paragraph (2) of this subsection, and thereafter until the record in the proceeding has been filed as so provided, the Secretary may at any time, upon such notice, and in such manner as he shall deem proper, modify, terminate, or set aside any such order. Upon such filing of the record the Secretary may modify, terminate, or set aside any such order with permission of the court.

(2) Any party to such proceeding may obtain a review of any order served pursuant to paragraph (1) of this subsection (other than an order issued with the consent of the director or officer concerned, or an order issued under subsection (e) of this section), by filing in the court of appeals of the United States for the circuit in which the principal office of the licensee is located, or in the United States Court of Appeals for the District of Columbia Circuit, within 30 days after the date of service of such order, a written petition praying that the order of the Secretary be modified, terminated, or set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Secretary, and thereupon the Secretary shall file in the court the record in the proceeding, as provided in section 2112 of title 28 of the United States Code. Upon the filing of such petition, such court shall have jurisdiction, which upon the filing of the record shall, except as provided in the last sentence of such paragraph (1), be exclusive, to affirm, modify, terminate, or set aside, in whole or in part, the order of the Secretary. Review of such proceedings shall be had as provided in chapter 7 of title 5 of the United States Code. The judgment and decree of the court shall be final, except that the same shall be subject to review by the Supreme Court upon certiorari as provided in section 1254 of title 28 of the United States Code.

(3) The commencement of proceedings for judicial review under paragraph (2) of this subsection shall not, unless specifically ordered by the court, operate as a stay of any order issued by the Secretary.

SEC. 366. UNLAWFUL ACTS.

(a) PARTICIPATION.—Wherever a licensee violates any provision of this subtitle or regulation issued thereunder by reason of its failure to comply with the terms thereof or by reason of its engaging in any act or practice which constitutes or will constitute a violation thereof, such violation shall be deemed to be also a violation and an unlawful act on the part of any person who, directly or indirectly, authorizes, orders, participates in, or causes, brings about, counsels, aids, or abets in the commission of any acts, practices, or transactions which constitute or will constitute, in whole or in part, such violation.

(b) BREACH OF FIDUCIARY DUTY.—It shall be unlawful for any officer, director, employee, agent, or other participant in the management or conduct of the affairs of a licensee to engage in any act or practice, or to omit any act, in breach of his fiduciary duty as such officer, director, employee, agent, or participant, if, as a result thereof, the licensee has suffered or is in imminent danger of suffering financial loss or other damage.

(c) DISQUALIFICATION.—Except with the written consent of the Secretary, it shall be unlawful—

(1) for any person hereafter to take office as an officer, director, or employee of a licensee, or to become an agent or participant in the conduct of the affairs or management of a licensee, if such person—

(A) has been convicted of a felony, or any other criminal offense involving dishonesty or breach of trust; or

(B) has been found civilly liable in damages, or has been permanently or temporarily enjoined by an order, judgment, or decree of a court of competent jurisdiction, by reason of any act or practice involving fraud or breach of trust; and

(2) for any person to continue to serve in any of the above-described capacities if such person—

(A) is hereafter convicted of a felony, or any other criminal offense involving dishonesty or breach of trust; or

(B) is hereafter found civilly liable in damages, or is permanently or temporarily enjoined by an order, judgment, or decree of a court of competent jurisdiction, by reason of any act or practice involving fraud or breach of trust.

SEC. 367. PENALTIES AND FORFEITURES.

(a) CIVIL PENALTY.—Except as provided in subsection (b) of this section, a licensee which violates any regulation or written directive issued by the Secretary or the Under Secretary shall forfeit and pay to the United States a civil penalty of not more than $1,000 for each day of the continuance of the licensee's failure to file a report required under section 361(a), unless it is shown that such failure is due to reasonable cause and not due to willful neglect. The civil penalties provided for in this section shall accrue to the United States and may be recovered in a civil action brought by the Secretary.

(b) EXEMPTIONS.—The Secretary may by rules and regulations, or upon application of an interested party, at any time previous to such failure, by order, after notice and opportunity for hearing, exempt in whole or in part, any licensee from the provisions of subsection (a) of this section, upon such terms and conditions and for such period of time as the Secretary deems necessary and appropriate, if the Secretary finds that such action is not inconsistent with the public interest or the protection of the Department. The Secretary may for the purposes of this section make any alternative requirements appropriate to the situation.

SEC. 368. JURISDICTION AND SERVICE OF PROCESS.

Any suit or action brought under section 357, 362, 363, 365, or 367 by the Secretary at law or in equity to enforce any liability or duty created by, or to enjoin any violation of, this subtitle, or any rule, regulation, or order promulgated thereunder, shall be brought in the district wherein the licensee maintains its principal office, and process in such cases may be served in any district in which the defendant maintains its principal office or transacts business, or wherever the defendant may be found.

SEC. 369. ANTITRUST SAVINGS CLAUSE.

This subtitle shall not be construed to modify, impair, or supersede the operation of the antitrust laws. For purposes of this section, the term ''antitrust laws'' has the meaning given it in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)), except that such term includes the Act of June 19, 1936 (49 Stat. 1526; 15 U.S.C. 13 et seq.), commonly known as the Robinson Patman Act, and section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that such section 5 applies to unfair methods of competition.

TITLE IV—MISCELLANEOUS

Subtitle A—Miscellaneous Provisions

SEC. 401. INTERNATIONAL STANDARDIZATION.

(a) FINDINGS.—The Congress finds that—

(1) private sector consensus standards are essential to the timely development of competitive products;

(2) Federal Government contribution of resources, more active participation in the voluntary standards process in the United States, and assistance, where appropriate, through government to government negotiations, can increase the quality of United States standards, increase their compatibility with the standards of other countries, and ease access of United States-made products to foreign markets; and

(3) the Federal Government, working in cooperation with private sector organizations including trade associations, engineering societies, and technical bodies, can effectively promote United States Government use of United States consensus standards and, where appropriate, the adoption and United States Government use of international standards.

(b) STANDARD PILOT PROGRAM.—Section 104(e) of the American Technology Preeminence Act of 1991 is amended—

(1) by inserting ''(1)'' before ''Pursuant to the''; and

(2) by adding at the end the following new paragraph:

''(2) As necessary and appropriate, the Institute shall expand the program established under section 112 of the National Institute of Standards and Technology Authorization Act for Fiscal Year 1989 (15 U.S.C. 272 note) by extending the existing program and by entering into additional contracts with non-Federal organizations representing United States companies, as such term is defined in section 28(d)(9)(B) of the National Institute of Standards and Technology Act (15 U.S.C. 278n(d)(9)(B)). Such contracts shall require cost sharing between Federal and non-Federal sources for such purposes. In awarding such contracts, the Institute shall seek to promote and support the dissemination of United States technical standards to additional foreign countries, in cooperation with governmental bodies, private organizations including standards setting organizations and industry, and multinational institutions that promote economic development. The organizations receiving such contracts may establish training programs to bring to the United States foreign standards experts for the purpose of receiving in-depth training in the United States standards system.''.

(c) REPORT ON GLOBAL STANDARDS.—The Secretary, in consultation with the Institute and the Commerce Technology Advisory Board established under section 204 of this Act, shall submit to the Congress a report describing the appropriate roles of the Department of Commerce in aid to United States companies in achieving conformity assessment and accreditation and otherwise qualifying their products in foreign markets, and in the development and promulgation of domestic and global product and quality standards, including a discussion of the extent to which each of the policy options provided in such Office of Technology Assessment report contributes to meeting the goals of—

(1) increasing the international adoption of standards beneficial to United States industries; and

(2) improving the coordination of United States representation to international standards setting bodies.

SEC. 402. MALCOLM BALDRIGE AWARD AMENDMENTS.

(a) Section 108(c)(3) of the Stevenson-Wydler Technology Innovation Act of 1980, as so redesignated by section 206(b)(4) of this Act, is amended to read as follows:

''(3) No award shall be made within any category or subcategory if there are no qualifying enterprises in that category or subcategory.''.

(b)(1) Section 108(c)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a(c)(1)) is amended by adding at the end the following new subparagraph:

''(D) Educational institutions.''.

(2)(A) Within 1 year after the date of enactment of this Act, the Secretary shall submit to the Congress a report containing—

(i) criteria for qualification for a Malcolm Baldrige National Quality Award by various classes of educational institutions;

(ii) criteria for the evaluation of applications for such awards under section 108(d)(1) of the Stevenson-Wydler Technology Innovation Act of 1980; and

(iii) a plan for funding awards described in clause (i).

(B) In preparing the report required under subparagraph (A), the Secretary shall consult with the National Science Foundation and other public and private entities with appropriate expertise, and shall provide for public notice and comment.

(C) The Secretary shall not accept applications for awards described in subparagraph (A)(i) until after the report required under subparagraph (A) is submitted to the Congress.

SEC. 403. COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS.

Section 202(d)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(1)), as redesignated by section 206(b)(6) of this Act, is amended by inserting ''(including both real and personal property)'' after ''or other resources'' both places it appears.

SEC. 404. CLEARINGHOUSE ON STATE AND LOCAL INITIATIVES.

Section 102(a) of the Stevenson-Wydler Technology Innovation Act of 1980, as so redesignated by section 206(b)(2) of this Act, is amended by striking ''Office of Productivity, Technology, and Innovation'' and inserting in lieu thereof ''Institute''.

SEC. 405. COMPETITIVENESS ASSESSMENTS AND EVALUATIONS.

Section 101(e) of the Stevenson-Wydler Technology Innovation Act of 1980, as so redesignated by section 206(b)(2) of this Act, is amended to read as follows:

''(e) COMPETITIVENESS ASSESSMENTS AND EVALUATIONS.—(1) The Secretary, through the Under Secretary, shall—

''(A) provide for the conduct of research and analyses to advance knowledge of the ways in which the economic competitiveness of United States industry can be enhanced

through Federal programs, including programs operated by the Department of Commerce;

''(B) as appropriate, provide for evaluations of Federal technology programs in order to judge their effectiveness and make recommendations to improve their contribution to United States competitiveness; and

''(C) prepare and submit to Congress annual reports which describe and assess the policies and programs used by governments and private industry in other major industrialized countries to develop and apply economically important critical technologies, compare these policies and programs with public and private activities in the United States, and assess the effects that these policies and programs in other countries have on the competitiveness of United States industries.

''(2) The head of each unit of the Department of Commerce other than the Technology Administration, and the head of each other Federal agency, shall furnish to the Secretary or Under Secretary, upon request from the Secretary or Under Secretary, such data, reports, and other information as is necessary for the Secretary to carry out the functions required under this section.

''(3) Nothing in this section shall authorize the release of information to, or the use of information by, the Secretary or Under Secretary in a manner inconsistent with law or any procedure established pursuant thereto.

''(4) The head of any Federal agency may detail such personnel and may provide such services, with or without reimbursement, as the Secretary may request to assist in carrying out the activities required under this section.''.

SEC. 406. USE OF DOMESTIC PRODUCTS.

(a) PROHIBITION AGAINST FRAUDULENT USE OF ''MADE IN AMERICA'' LABELS.—(1) A person shall not intentionally affix a label bearing the inscription of ''Made in America'', or any inscription with that meaning, to any product sold in or shipped to the United States, if that product is not a domestic product.

(2) A person who violates paragraph (1) shall not be eligible for any contract for a procurement carried out with amounts authorized under this Act and the amendments made by this Act, including any subcontract under such a contract pursuant to the debarment, suspension, and ineligibility procedures in subpart 9.4 of chapter 1 of title 48, Code of Federal Regulations, or any successor procedures thereto.

(b) COMPLIANCE WITH BUY AMERICAN ACT.—(1) Except as provided in paragraph (2), the head of each agency which conducts procurements shall ensure that such procurements are conducted in compliance with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a through 10c, popularly known as the ''Buy American Act'').

(2) This subsection shall apply only to procurements made for which—

(A) amounts are authorized by this Act, and the amendments made by this Act, to be made available; and

(B) solicitations for bids are issued after the date of enactment of this Act.

(3) The Secretary, before January 1, 1994, shall report to the Congress on procurements covered under this subsection of products that are not domestic products.

(c) DEFINITIONS.—For the purposes of this section, the term ''domestic product'' means a product—

(1) that is manufactured or produced in the United States; and

(2) at least 50 percent of the cost of the articles, materials, or supplies of which are mined, produced, or manufactured in the United States.

SEC. 407. SEVERABILITY.

If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of this Act and the application thereof to other persons or circumstances shall not be affected thereby.

SEC. 408. DEPARTMENT OF MANUFACTURING AND COMMERCE.

The Department of Commerce is hereby renamed as the Department of Manufacturing and Commerce, and all references in Federal law or regulation to the Department of Commerce or the Secretary of Commerce shall be deemed to be references to the Department of Manufacturing and Commerce or the Secretary of Manufacturing and Commerce, as appropriate.

Subtitle B—Technology Transfer Improvements

SEC. 411. SHORT TITLE.

This subtitle may be cited as the ''Technology Transfer Improvements Act of 1992''.

SEC. 412. COPYRIGHT FOR SOFTWARE.

Section 105 of title 17, United States Code, is amended—

(1) by striking ''Copyright'' and inserting in lieu thereof ''(a) GENERAL RULE.—Except as provided in subsection (b), copyright''; and

(2) by adding at the end the following new subsection:

''(b) COPYRIGHT OF COMPUTER PROGRAMS.—Each Federal agency may secure copyright registration on behalf of the United States and the United States shall have all copyright rights in and be the owner of any computer program (including instructions necessary to use the program, but not including data, data bases, or data base retrieval programs) authored in whole or in part by employees of the United States Government in the course of work under a cooperative research and development agreement entered into under the authority of section 202(a)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(a)(1)) or a similar agreement entered into under section 203(c) (5) and (6) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2473(c) (5) and (6)), or provided by the United States Government under section 202(b)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(b)(1)), and may grant or agree to grant in advance to a participating party in the agreement, licenses or assignments for such copyrights, or options thereto, retaining such other rights as the Federal agency deems appropriate.''.

SEC. 413. AMENDMENTS TO SECTION 202 OF THE STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT OF 1980.

Section 202 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a) is amended—

(1) in subsection (b)(4), by inserting '', including computer software,'' after ''intellectual property''; and

(2) in subsection (b)(5), by inserting ''or computer programs described in section 105(b) of title 17, United States Code'' after ''of the United States''.

SEC. 414. DEFINITION OF COMPUTER SOFTWARE.

Section 4 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3703) is amended by adding at the end the following new paragraph:

''(14) 'Computer software' has the meaning given the term 'computer program' in section 101 of title 17, United States Code, and includes instructions necessary to use the program, but does not include data, data bases, or data base retrieval programs.''.

SEC. 415. ROYALTY PAYMENTS TO AUTHORS.

(a) Section 204(a)(1)(A), (2), and (3) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710c(a)(1)(A), (2), and (3)) is amended—

(1) by inserting ''or computer software'' after ''inventions'' each place it appears;

(2) by inserting ''or computer software'' after ''invention'' each place it appears;

(3) by inserting ''or author'' after ''inventor'' each place it appears;

(4) by inserting ''or co-author'' after ''co-inventor'' each place it appears;

(5) by inserting ''or authors'' after ''inventors'' each place it appears;

(6) by inserting ''or co-authors'' after ''co-inventors'' each place it appears; and

(7) by inserting ''or author's'' after ''inventor's'' each place it appears.

(b) Section 204(a)(1)(B) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710c(a)(1)(B)) is amended—

(1) by inserting ''or computer software'' after ''income from any invention'';

(2) by inserting ''or computer software was developed'' after ''the invention occurred'';

(3) by inserting ''or computer software'' after ''licensing of inventions'' in clause (i);

(4) by inserting ''or computer software which was developed'' after ''with respect to inventions'' in clause (i); and

(5) by inserting ''or computer software'' after ''organizations for invention'' in clause (i).

(c) Section 204(c) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710c(c)) is amended by inserting ''or author'' after ''including inventor''.

SEC. 416. TECHNICAL AND CONFORMING AMENDMENTS.

Section 202(c) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(c)), is amended by inserting ''or computer software'' after ''inventions'' each place it appears.

TITLE V—AUTHORIZATIONS OF APPROPRIATIONS

SEC. 501. TECHNOLOGY ADMINISTRATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary, to carry out the activities of the Under Secretary and the Assistant Secretary of Commerce for Technology Policy, for fiscal year 1994—

(1) for the Office of the Under Secretary, $3,000,000;

(2) for Technology Policy, $5,000,000;

(3) for Japanese Technical Literature, $2,000,000; and

(4) for competitiveness research, data collection, and evaluation, $1,000,000.

(b) TRANSFERS.—(1) Funds may be transferred among the line items listed in subsection (a), so long as—

(A) the net funds transferred to or from any line item do not exceed 10 percent of the amount authorized for that line item in such subsection;

(B) the aggregate amount authorized under subsection (a) is not changed; and

(C) the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives are notified in advance of any such transfer.

(2) The Secretary may propose transfers to or from any line item listed in subsection (a) exceeding 10 percent of the amount authorized for such line item, but such proposed transfer may not be made unless—

(A) a full and complete explanation of any such proposed transfer and the reason therefor are transmitted in writing to the Speaker of the House of Representatives, the President of the Senate, and the appropriate authorizing Committees of the House of Representatives and the Senate; and

(B) 30 days have passed following the transmission of such written explanation.

(c) NATIONAL TECHNICAL INFORMATION SERVICE FACILITIES STUDY.—As part of its modernization effort and before signing a new facility lease, the National Technical Information Service, in consultation with the General Services Administration, shall study and report to Congress on the feasibility of accomplishing all or part of its mod-

ernization by signing a long-term lease with an organization that agrees to supply a facility and supply and periodically upgrade modern equipment which permits the National Technical Information Service to receive, store, manipulate, and print electronically created documents and reports and to carry out the other functions assigned to the National Technical Information Service.

SEC. 502. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.

(a) INTRAMURAL SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES.—(1) There are authorized to be appropriated to the Secretary, to carry out the intramural scientific and technical research and services activities of the Institute, $272,500,000 for fiscal year 1994.

(2) Of the amount authorized under paragraph (1)—

(A) $1,000,000 are authorized only for the evaluation of nonenergy-related inventions;

(B) $9,000,000 are authorized only for the technical competence fund; and

(C) $5,000,000 are authorized only for the standards pilot project established under section 104(e) of the American Technology Preeminence Act of 1991.

(b) FACILITIES.—In addition to the amounts authorized under subsection (a), there are authorized to be appropriated to the Secretary for fiscal year 1994 $25,000,000 for the renovation and upgrading of the Institute's facilities. The Institute may enter into a contract for the design work for such purposes only if Federal Government payments under the contract are limited to amounts provided in advance in appropriations Acts.

(c) EXTRAMURAL INDUSTRIAL TECHNOLOGY SERVICES.—In addition to the amounts authorized under subsections (a) and (b), there are authorized to be appropriated to the Secretary, to carry out the extramural industrial technology services activities of the Institute—

(1) for Regional Centers for the Transfer of Manufacturing Technology, $35,000,000 for fiscal year 1994;

(2) for the State Technology Extension Program, $2,500,000 for fiscal year 1994; and

(3) for the Advanced Technology Program, $1,570,000,000 for the period encompassing fiscal years 1994 through 1997, of which—

(A) $150,000,000 are authorized only for Program support of large joint ventures; and

(B) $20,000,000 are authorized only for fiscal year 1994 and 1995 Program support of the Advanced Manufacturing Program established under section 301 of the Stevenson-Wydler Technology Innovation Act of 1980.

(d) TECHNICAL AMENDMENTS.—The American Technology Preeminence Act of 1991 is amended—

(1) in section 104(b)(1)(F), by striking ''$12,000,000'' and inserting in lieu thereof ''$12,200,000'';

(2) in section 104(b)(1)(H), by striking ''$6,300,000'' and inserting in lieu thereof ''$6,800,000'';

(3) in section 104(b)(2)(B)—

(A) by inserting ''and'' at the end of clause (i);

(B) by striking ''; and'' from the end of clause (ii) and inserting in lieu thereof a period; and

(C) by striking clause (iii);

(4) in section 105(b), by adding after paragraph (3) the following:

''Of the amounts authorized under this subsection, $5,000,000 are authorized only for the Institute's management of the programs described in paragraphs (1) through (3).''; and

(5) in section 201(d), by inserting '', except in the case of the amendment made by subsection (c)(6)(A)'' after ''enactment of this Act''.

SEC. 503. ADDITIONAL ACTIVITIES OF THE TECHNOLOGY ADMINISTRATION.

In addition to the amounts authorized under sections 501 and 502, there are authorized to be appropriated to the Secretary—

(1) for the National Manufacturing Outreach Network, $120,000,000 for the period encompassing fiscal years 1994 and 1995;

(2) for the Technology Development Loan Program established under section 331 of this Act, $20,000,000 for fiscal year 1994; and

(3) for the Critical Technologies Development Program established under subtitle D of title III of this Act, $100,000,000 for the period encompassing fiscal years 1994 and 1995. Amounts appropriated under paragraph (2) or (3) shall remain available for expenditure through September 30, 1995. Of the amounts made available under paragraph (2) for a fiscal year, not more than $2,000,000 or 10 percent, whichever is greater, shall be available for administrative expenses. Of the amounts made available under paragraph (3) for a fiscal year, not more than $5,000,000 or 10 percent, whichever is greater, shall be available for administrative expenses.

SEC. 504. NATIONAL SCIENCE FOUNDATION.

In addition to such other sums as may be authorized by other Acts to be appropriated to the Director of the National Science Foundation, there are authorized to be appropriated to that Director, to carry out the provisions of section 208 of this Act, $20,000,000 for fiscal year 1994.

SEC. 505. AVAILABILITY OF APPROPRIATIONS.

Appropriations made under the authority provided in this title shall remain available for obligation, for expenditure, or for obligation and expenditure for periods specified in the Acts making such appropriations.

TITLE VI—FASTENER QUALITY ACT AMENDMENTS

SEC. 601. REFERENCES.

Whenever in this title an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Fastener Quality Act (15 U.S.C. 5401 et seq.).

SEC. 602. TECHNICAL AMENDMENTS.

(a) DEFINITIONS.—Section 3(8) (15 U.S.C. 5402(8)) is amended by striking ''Standard'' and inserting ''Standards''.

(b) INSPECTION AND TESTING.—Section 5(b)(1) (15 U.S.C. 5404(b)(1)) is amended by striking ''section 6; unless'' and inserting ''section 6, unless''.

(c) IMPORTERS AND PRIVATE LABEL DISTRIBUTORS.—Section 7(c)(2) (15 U.S.C. 5406(c)(2)) is amended by inserting ''to the same'' before ''extent''.

SEC. 603. CLARIFYING AMENDMENTS.

(a) CHEMICAL TESTS.—(1) Section 5(a)(1)(B) (15 U.S.C. 5404(a)(1)(B)) is amended by striking ''subsections (b) and (c)'' and inserting ''subsections (b), (c), and (d)''.

(2) Section 5(a)(2)(A)(i) (15 U.S.C. 5404(a)(2)(A)(i)) is amended by striking ''subsections (b) and (c)'' and inserting ''subsections (b), (c), and (d)''.

(3) Section 5(c)(4) (15 U.S.C. 5405(c)(4)) is amended by inserting ''except as provided in subsection (d),'' before ''state''.

(4) Section 5 (15 U.S.C. 5404) is amended by inserting at the end the following new subsection:

''(d) ALTERNATIVE PROCEDURE FOR CHEMICAL CHARACTERISTICS.—Notwithstanding the requirements of subsections (b) and (c), a manufacturer shall be deemed to have demonstrated, for purposes of subsection (a)(1), that the chemical characteristics of a lot conform to the standards and specifications to which the manufacturer represents such lot has been manufactured if the following requirements are met:

''(1) The coil or heat number of metal from which such lot was fabricated has been inspected and tested with respect to its chemical characteristics by a laboratory accredited in accordance with the procedures and conditions specified by the Secretary under section 6.

''(2) Such laboratory has provided to the manufacturer, either directly or through the metal manufacturer, a written inspection and testing report, which shall be in a form prescribed by the Secretary by regulation, listing the chemical characteristics of such coil or heat number.

''(3) The report described in paragraph (2) indicates that the chemical characteristics of such coil or heat number conform to those required by the standards and specifications to which the manufacturer represents such lot has been manufactured.

''(4) The manufacturer demonstrates that such lot has been fabricated from the coil or heat number of metal to which the report described in paragraphs (2) and (3) relates.

In prescribing the form of report required by subsection (c), the Secretary shall provide for an alternative to the statement required by subsection (c)(4), insofar as such statement pertains to chemical characteristics, for cases in which a manufacturer elects to use the procedure permitted by this subsection.''.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. WALKER moved to recommit the bill to the Committees on Ways and Means, Energy and Commerce, Government Operations, and the Judiciary with instructions to consider such additional provisions as are necessary to promote the competitiveness of American businesses by reducing the national debt to reduce the cost of capital, providing tax incentives to further enhance private capital formation, reforming antitrust law to remove barriers to cooperative enterprise, and instituting civil justice reform to reduce litigious burdens.

After debate,

¶111.10 POINT OF ORDER

Mr. VALENTINE made a point of order against said motion to recommit with instructions, and said:

''Mr. Speaker, let me say at the outset that our dear friend, the gentleman from Pennsylvania [Mr. WALKER] continues to make the same point over and over and over again, and I suppose we need to try to answer it over again. Certainly, many of us have sympathy with a lot of what he wants to do in the legislation. Many of us have sympathy with it, but we just suggest that he go about it following proper procedures.

''Mr. Speaker, in support of our request to the Chair to sustain the point of order, we respectfully suggest that the instructions included in the motion to recommit offered by the gentleman from Pennsylvania include matters from amendments offered by the gentleman earlier in the Committee of the Whole which were ruled out of order by the Chairman as nongermane.

''Mr. Speaker, we suggest that under the rules of the House it is not in order to present as part of a motion to recommit any proposition which would not have been germane if proposed as an amendment to the bill in the committee.''.

Mr. WALKER was recognized to speak to the point of order and said:

''Mr. Speaker, the motion to recommit does not speak to any sections of the bill. In fact, it sends the entire bill back in its present form. It simply commits it to committees that would have appropriate jurisdictions in the area and simply provides instructions that these additional areas be looked at as a part of competitiveness.

''Our committee does in fact have jurisdiction over the entire issue of competitiveness. All this is suggesting is that if there are jurisdictional disputes over what that means, then those committees should take a look at the content of this bill and consider such additional measures as may be needed. There is nothing here that changes the substance of the bill in any way. It is simply an instruction to the appropriate committees that they need to consider additional provisions that are necessary to promote a concept which is in the exclusive jurisdiction of the Committee on Science, Space, and Technology.''.

The SPEAKER pro tempore, Mr. TRAXLER, sustained the point of order, and said:

''The Chair would sustain the point of order raised by the gentleman from North Carolina [Mr. VALENTINE] and would indicate that instructions contained in a motion to recommit must be germane to the subject matter of the bill whether or not the instructions propose a direct amendment thereto.

''It has been held that a motion to recommit a bill addressing Federal research and technology policy reported from the Committee on Science, Space, and Technology, with instructions to the Committee on Ways and Means to give consideration to improving competitiveness of U.S. industry by changes in Federal tax policy, was not germane to the subject matter of the bill.

''That was a ruling made on July 16, 1991, and the gentleman from New York [Mr. MCNULTY] was in the chair at that time.

''Therefore, the Chair sustains the point of order.''.

Mr. WALKER moved to recommit the bill to the Committees on Ways and Means, Energy and Commerce, Government Operations, and the Judiciary with instructions to consider such additional provisions as are necessary to promote the competitiveness of American businesses.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. TRAXLER, announced that the nays had it.

Mr. WALKER objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas ..... 161 / Nays 248

¶111.11 [Roll No. 411]

YEAS—161

Allard	Grandy	Paxon
Allen	Gunderson	Petri
Archer	Hammerschmidt	Porter
Armey	Hancock	Pursell
Baker	Hansen	Quillen
Ballenger	Hastert	Ramstad
Barrett	Hefley	Ravenel
Barton	Henry	Regula
Bateman	Herger	Rhodes
Bentley	Hobson	Ridge
Bereuter	Holloway	Riggs
Bilirakis	Hopkins	Rinaldo
Bliley	Houghton	Ritter
Boehlert	Hunter	Roberts
Boehner	Hyde	Rogers
Broomfield	Inhofe	Rohrabacher
Bunning	Jacobs	Ros-Lehtinen
Burton	James	Roth
Callahan	Johnson (CT)	Roukema
Camp	Johnson (TX)	Santorum
Campbell (CA)	Kasich	Saxton
Chandler	Klug	Schaefer
Coble	Kolbe	Schiff
Coleman (MO)	Kyl	Schumer
Combest	Lagomarsino	Sensenbrenner
Coughlin	Leach	Shaw
Cox (CA)	Lent	Shays
Crane	Lewis (CA)	Skeen
Cunningham	Lewis (FL)	Smith (NJ)
Dannemeyer	Lightfoot	Smith (OR)
Davis	Livingston	Smith (TX)
DeLay	Machtley	Snowe
Dickinson	Marlenee	Solomon
Doolittle	Martin	Spence
Dornan (CA)	McCandless	Stearns
Dreier	McCollum	Stump
Duncan	McCrery	Sundquist
Edwards (OK)	McDade	Taylor (NC)
Emerson	McEwen	Thomas (CA)
Ewing	McGrath	Thomas (WY)
Fawell	McMillan (NC)	Upton
Fields	Meyers	Vander Jagt
Fish	Michel	Vucanovich
Franks (CT)	Miller (OH)	Walker
Gallegly	Miller (WA)	Walsh
Gallo	Molinari	Weber
Gekas	Moorhead	Weldon
Gilchrest	Morella	Wolf
Gillmor	Morrison	Wylie
Gilman	Myers	Young (AK)
Gingrich	Nichols	Young (FL)
Goodling	Nussle	Zeliff
Goss	Oxley	Zimmer
Gradison	Packard	

NAYS—248

Abercrombie	Coleman (TX)	Fascell
Ackerman	Collins (IL)	Fazio
Anderson	Collins (MI)	Feighan
Andrews (ME)	Condit	Flake
Andrews (NJ)	Cooper	Ford (MI)
Andrews (TX)	Costello	Ford (TN)
Annunzio	Cox (IL)	Frank (MA)
Anthony	Coyne	Frost
Applegate	Cramer	Gaydos
Aspin	Darden	Gejdenson
Atkins	de la Garza	Gephardt
Bacchus	DeFazio	Geren
Beilenson	DeLauro	Gibbons
Bennett	Dellums	Glickman
Bevill	Derrick	Gonzalez
Bilbray	Dicks	Gordon
Bonior	Dingell	Green
Borski	Dixon	Guarini
Boucher	Donnelly	Hall (OH)
Brewster	Dooley	Hall (TX)
Brooks	Dorgan (ND)	Hamilton
Browder	Downey	Harris
Brown	Durbin	Hatcher
Bruce	Dwyer	Hayes (IL)
Bryant	Dymally	Hefner
Bustamante	Early	Hertel
Byron	Eckart	Hoagland
Campbell (CO)	Edwards (CA)	Hochbrueckner
Cardin	Edwards (TX)	Horn
Carper	Engel	Horton
Carr	English	Hoyer
Chapman	Erdreich	Hubbard
Clay	Espy	Huckaby
Clement	Evans	Hughes
Hutto	Mrazek	Sawyer
Jenkins	Murphy	Scheuer
Johnson (SD)	Murtha	Schroeder
Johnston	Nagle	Serrano
Jontz	Natcher	Sharp
Kanjorski	Neal (MA)	Sikorski
Kaptur	Neal (NC)	Sisisky
Kennedy	Nowak	Skaggs
Kennelly	Oakar	Skelton
Kildee	Oberstar	Slattery
Kleczka	Obey	Slaughter
Kolter	Olin	Smith (FL)
Kopetski	Olver	Smith (IA)
Kostmayer	Ortiz	Spratt
LaFalce	Orton	Staggers
Lancaster	Owens (NY)	Stallings
Lantos	Owens (UT)	Stark
LaRocco	Pallone	Stenholm
Laughlin	Panetta	Studds
Lehman (CA)	Parker	Swett
Lehman (FL)	Pastor	Swift
Levin (MI)	Patterson	Synar
Levine (CA)	Payne (NJ)	Tallon
Lewis (GA)	Payne (VA)	Tanner
Lipinski	Pease	Tauzin
Lloyd	Pelosi	Taylor (MS)
Long	Peterson (FL)	Thomas (GA)
Lowey (NY)	Peterson (MN)	Thornton
Luken	Pickett	Torres
Manton	Pickle	Torricelli
Markey	Poshard	Towns
Martinez	Price	Traficant
Matsui	Rahall	Traxler
Mavroules	Rangel	Unsoeld
Mazzoli	Ray	Valentine
McCloskey	Reed	Vento
McDermott	Richardson	Visclosky
McHugh	Roe	Volkmer
McMillen (MD)	Roemer	Waters
McNulty	Rose	Waxman
Mfume	Rostenkowski	Wheat
Miller (CA)	Rowland	Whitten
Mineta	Roybal	Williams
Mink	Russo	Wilson
Moakley	Sabo	Wise
Mollohan	Sanders	Wyden
Montgomery	Sangmeister	Yates
Moody	Sarpalius	Yatron
Moran	Savage	

NOT VOTING—23

Alexander	Foglietta	Perkins
AuCoin	Hayes (LA)	Schulze
Barnard	Ireland	Shuster
Berman	Jefferson	Solarz
Blackwell	Jones	Stokes
Boxer	Lowery (CA)	Washington
Clinger	McCurdy	Wolpe
Conyers	Penny	

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. TRAXLER, announced that the yeas had it.

Mr. VALENTINE demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 287 / Nays 122

¶111.12 [Roll No. 412]

AYES—287

Abercrombie	Berman	Byron
Ackerman	Bevill	Camp
Anderson	Bilbray	Campbell (CO)
Andrews (ME)	Bilirakis	Cardin
Andrews (NJ)	Boehlert	Carper
Andrews (TX)	Bonior	Carr
Annunzio	Borski	Chapman
Anthony	Boucher	Clay
Applegate	Brewster	Clement
Aspin	Brooks	Coleman (MO)
Atkins	Broomfield	Coleman (TX)
Bacchus	Browder	Collins (IL)
Beilenson	Brown	Collins (MI)
Bennett	Bruce	Condit
Bentley	Bryant	Cooper
Bereuter	Bustamante	Costello

Cox (IL)
Coyne
Cramer
Darden
Davis
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Harris
Hatcher
Hayes (IL)
Hefner
Henry
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jontz
Kanjorski
Kaptur
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Machtley
Manton
Markey
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McDade
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Poshard
Price
Rahall
Rangel
Ravenel
Ray
Reed
Regula
Richardson
Ridge
Rinaldo
Ritter
Roe
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Scheuer
Schiff
Schroeder
Schumer
Serrano
Sharp
Shays
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Spratt
Staggers
Stallings
Stark
Stenholm
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vento
Visclosky
Volkmer
Walsh
Waters
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron

NOES—122

Allard
Allen
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bateman
Bliley
Boehner
Bunning
Burton
Callahan
Campbell (CA)
Chandler
Coble
Combest
Coughlin
Cox (CA)
Crane
Cunningham
Dannemeyer
DeLay
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
Ewing
Fawell
Fields
Franks (CT)
Gallegly
Gallo
Gekas
Gingrich
Goodling
Goss
Gradison
Grandy
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Hobson
Holloway
Hopkins
Hunter
Hyde
Inhofe
Ireland
Jacobs
James
Johnson (TX)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Leach
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Marlenee
McCandless
McCollum
McCrery
McEwen
McMillan (NC)
Michel
Miller (OH)
Miller (WA)
Molinari
Moorhead
Myers
Nichols
Nussle
Olin
Oxley
Packard
Paxon
Petri
Porter
Pursell
Quillen
Ramstad
Rhodes
Riggs
Roberts
Rohrabacher
Roth
Roukema
Saxton
Schaefer
Sensenbrenner
Shaw
Skeen
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stump
Sundquist
Taylor (NC)
Thomas (CA)
Thomas (WY)
Vander Jagt
Vucanovich
Walker
Weber
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—23

Alexander
AuCoin
Barnard
Blackwell
Boxer
Clinger
Conyers
Dymally
Foglietta
Hayes (LA)
Herger
Jefferson
Jones
Kennedy
Lowery (CA)
McCurdy
Penny
Perkins
Schulze
Shuster
Solarz
Stokes
Washington

So the bill was passed.

On motion of Mr. VALENTINE, pursuant to House Resolution 563, the bill of the Senate (S. 1330) to enhance the productivity, quality, and competitiveness of United States industry through the accelerated development and deployment of advanced manufacturing technologies, and for other purposes; was taken from the Speaker's table.

When said bill was considered and read twice.

Mr. VALENTINE moved to strike out all after the enacting clause and and insert the provisions of H.R. 5231, as passed by the House.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. TRAXLER, announced that the yeas had it.

On a division demanded by Mr. WALKER, there appeared, yeas—29, nays—34.

Mr. VALENTINE objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas ..... 248 / Nays 151

¶111.13 [Roll No. 413]

YEAS—248

Abercrombie
Ackerman
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Applegate
Archer
Aspin
Atkins
Bacchus
Beilenson
Bennett
Bevill
Bilbray
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Flake
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Guarini
Hall (OH)
Hall (TX)
Hamilton
Harris
Hatcher
Hayes (IL)
Hefner
Henry
Hoagland
Hochbrueckner
Horn
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jefferson
Jenkins
Johnson (SD)
Johnston
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Manton
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Morella
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Poshard
Price
Rahall
Rangel
Ray
Reed
Richardson
Ritter
Roe
Roemer
Rose
Rostenkowski
Rowland
Roybal
Sabo
Sanders
Sangmeister
Sarpalius
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Shays
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Solarz
Spratt
Staggers
Stallings
Stark
Stenholm
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Waters
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron

NAYS—151

Allard
Allen
Armey
Baker
Ballenger
Barrett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Broomfield
Bunning
Burton
Callahan
Camp
Campbell (CA)
Chandler
Coble
Coleman (MO)
Combest
Coughlin
Cox (CA)
Crane
Cunningham
Dannemeyer
Davis
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Emerson
Ewing
Fawell
Fields
Fish
Franks (CT)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodling
Goss
Gradison
Grandy
Green
Gunderson
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Holloway
Hopkins
Horton
Houghton
Hunter
Hyde
Inhofe
Jacobs
James
Johnson (CT)
Johnson (TX)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Machtley
Marlenee
Martin
McCandless
McCollum
McCrery
McDade
McEwen
McMillan (NC)
Michel
Miller (OH)
Miller (WA)
Molinari
Moorhead
Morrison
Myers
Nichols
Nussle
Olin
Oxley
Packard
Paxon
Petri

Porter	Saxton	Thomas (CA)
Quillen	Schaefer	Thomas (WY)
Ramstad	Schiff	Upton
Ravenel	Schulze	Vucanovich
Regula	Sensenbrenner	Walker
Rhodes	Shaw	Walsh
Ridge	Skeen	Weber
Riggs	Smith (NJ)	Weldon
Rinaldo	Smith (TX)	Wolf
Roberts	Snowe	Wylie
Rogers	Solomon	Young (AK)
Rohrabacher	Spence	Young (FL)
Ros-Lehtinen	Stearns	Zeliff
Roth	Stump	Zimmer
Roukema	Sundquist	
Santorum	Taylor (NC)	

NOT VOTING—33

Alexander	Hayes (LA)	Moody
Anthony	Hertel	Moran
AuCoin	Ireland	Penny
Barnard	Jones	Perkins
Berman	LaFalce	Pursell
Blackwell	Leach	Russo
Boxer	Lent	Shuster
Clinger	Lowery (CA)	Smith (OR)
Conyers	Markey	Stokes
Edwards (OK)	Mavroules	Vander Jagt
Foglietta	McCurdy	Washington

So the motion to strike out all after the enacting clause of S. 1330 and and insert the provisions of H.R. 5231, as passed by the House, was agreed to.

The question being put, viva voce,

Will the House now order the third reading of the bill?

The SPEAKER pro tempore, Mr. DARDEN, announced that the yeas had it.

Accordingly,

The bill, as amended, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill, as amended?

The SPEAKER pro tempore, Mr. DARDEN, announced that the yeas had it.

On a division demanded by Mr. WALKER, there appeared, yeas—65, nays—10.

So the bill was passed.

By unanimous consent, the title was amended so as to read: ''An Act to amend the Stevenson-Wydler Technology Innovation Act of 1980 to enhance manufacturing technology development and transfer, to authorize appropriations for the Technology Administration of the Department of Commerce including the National Institute of Standards and Technology, and for other purposes.''.

The question being put, viva voce,

Will the House reconsider said vote?

The SPEAKER pro tempore, Mr. DARDEN, announced that the nays had it.

So the House refused to reconsider the vote whereby said bill was passed.

Ordered, That the Clerk request the concurrence of the Senate in said amendments.

By unanimous consent, H.R. 5231, a similar House bill, was laid on the table.

¶111.14 PROVIDING FOR THE CONSIDERATION OF H.R. 3298

Mr. FROST, by direction of the Committee on Rules, called up the following resolution (H. Res. 573):

Resolved, That at any time after the adoption of this resolution, the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 3298) to enhance the financial safety and soundness of the banks and associations of the Farm Credit System. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Agriculture now printed in the bill, modified by the amendment printed in section 2 of this resolution. The committee amendment in the nature of a substitute, as modified, shall be considered as read. Points of order against the committee amendment in the nature of a substitute, as modified, for failure to comply with clause 7 of rule XVI are waived. No amendment to the committee amendment in the nature of a substitute, as modified, shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment printed in the report may be offered only in the order printed, may be offered only by the named proponent or a designee, shall be considered as read, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. Any time specified in the report for debate on an amendment shall be equally divided and controlled by the proponent and an opponent. All points of order against amendments printed in the report are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the whole to the bill or to the committee amendment in the nature of a substitute, as modified. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. After passage of H.R. 3298, it shall be in order to take from the Speaker's table the bill S. 1709 and to consider the Senate bill in the House. All points of order against the Senate bill and its consideration are waived. It shall then be in order to move to strike all after the enacting clause of the Senate bill and to insert in lieu thereof a text consisting of the provisions of H.R. 3298, H.R. 4906, H.R. 5237, H.R. 5741, H.R. 5763, and H.R. 5764, each as passed by the House. All points of order against that motion are waived. If the motion is adopted and the Senate bill, as amended, is passed, then it shall be in order to move that the House insist on its amendments to S. 1709 and to request a conference with the Senate theron.

SEC. 2. The amendment in the nature of a substitute recommended by the Committee on Agriculture now printed in the bill is modified as follows:

Strike all after page 33, line 12 (strike title V).

When said resolution was considered.

After debate,

By unanimous consent, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶111.15 FARM CREDIT SYSTEM

The SPEAKER pro tempore, Mr. MURPHY, pursuant to House Resolution 573 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3298) to enhance the financial safety and soundness of the banks and associations of the Farm Credit System.

The SPEAKER pro tempore, Mr. MURPHY, by unanimous consent, designated Mr. BENNETT as Chairman of the Committee of the Whole; and after some time spent therein,

The SPEAKER pro tempore, Mr. MCNULTY, assumed the Chair.

When Mr. BENNETT, Chairman, pursuant to House Resolution 573, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Agricultural Credit, Rural Development, and Commodity Marketing Improvements Act of 1992''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

TITLE I—FARM CREDIT BANKS AND ASSOCIATIONS SAFETY AND SOUNDNESS ACT OF 1992

SEC. 1001. SHORT TITLE.

(a) SHORT TITLE.—This title may be cited as the ''Farm Credit Banks and Associations Safety and Soundness Act of 1992''.

SEC. 1002. REFERENCES TO THE FARM CREDIT ACT OF 1971.

Whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.), except to the extent otherwise provided.

Subtitle A—Farm Credit System Insurance Corporation

SEC. 1101. STATUTORY SUCCESSOR TO ASSISTANCE BOARD AGREEMENTS.

(a) IN GENERAL.—Section 5.58(2) (12 U.S.C. 2277a–7(2)) is amended by adding at the end thereof the following: ''The Corporation shall succeed to the rights of the Farm Credit System Assistance Board under agreements between the Farm Credit System Assistance Board and System institutions that certify such institutions as eligible to issue preferred stock pursuant to title VI on the termination of the Assistance Board on the date provided in section 6.12.''.

(b) CONFORMING AMENDMENTS.—Section 5.35(4) (12 U.S.C. 2271(4)) is amended—

(1) by striking ''and'' at the end of subparagraph (A);

(2) by striking the period at the end of subparagraph (B) and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(C) after December 31, 1992, mean any significant noncompliance by a System institution (as determined by the Farm Credit Administration, in consultation with the Farm Credit System Insurance Corporation) with any term or condition imposed on the institution by the Farm Credit System Assistance Board under section 6.6 or by the Farm Credit System Insurance Corporation under section 5.61.''.

Subtitle B—Removal of Hindrance to Mergers

SEC. 1201. SECTIONAL REPRESENTATION ON BOARDS OF DIRECTORS.

Section 4.15 (12 U.S.C. 2203) is amended—

(1) by amending the section heading to read as follows:

''NOMINATION AND ELECTION OF BANK AND ASSOCIATION DIRECTORS.—'';

(2) by inserting, before the text thereof, the following:

''(a) NOMINATION OF DIRECTORS.—''; and

(3) by adding at the end thereof the following new subsection:

''(b) SECTIONAL REPRESENTATION ON BANK AND ASSOCIATION BOARDS.—

''(1) IN GENERAL.—To ensure representation of geographical sections within the territory served by a bank or association of the Farm Credit System, each such bank (other than the National Bank for Cooperatives) or association may include in its bylaws governing the election of its board of directors provisions for the election of some or all of its members of the board to be elected by the stockholders:

''(A) at large;

''(B) from designated geographical sections of the territory served by the bank or association; or

''(C) as provided in both subparagraphs (A) and (B).

''(2) PROPORTIONALITY.—If members of the board of directors are elected by stockholders from designated geographical sections, the membership on the board elected from each section should reflect proportionately—

''(A) in the case of an association, the same number of stockholders; or

''(B) in the case of a bank, the same number of stockholder-borrowers of associations that accept, make, or otherwise provide loans in the designated sections of the bank's territory and that hold voting stock in the bank.

''(3) EXAMINATION OF SECTIONS.—The boundaries of the designated geographical sections shall be examined by the bank or association, as appropriate, at least once every three years and shall be readjusted, as necessary, to ensure such proportional representation of membership on the board.''.

Subtitle C—Clarification of Obligation of Farm Credit Banks for Repayment of Debt Issued by Farm Credit System Assistance Corporation.

SEC. 1301. CAPITAL PRESERVATION.

Section 6.9(e)(3) (12 U.S.C. 2278a–9(e)(3)), is amended—

(1) by adding at the end of subparagraph (C) the following: ''Any bank leaving the Farm Credit System pursuant to Section 7.10 of this Act shall be required, under regulations of the Farm Credit Administration, to pay to the Financial Assistance Corporation the estimated present value of such future payment had the bank remained in the System. With respect to any bank undergoing liquidation under this Act, a liability to the Financial Assistance Corporation in said amount (calculated as if the bank had left the System on the date it was placed in liquidation) shall be recognized as a claim in favor of the Financial Assistance Corporation against the estate of such bank. The obligations of other banks shall not be reduced in anticipation of any such recoveries from banks leaving the System or in liquidation, but the Financial Assistance Corporation shall apply such recoveries, when received, and all earnings thereon, to reduce the other banks' payment obligations, or, to the extent such recoveries are received after the other banks have met their entire payment obligation, shall refund such recoveries, when received, to the other banks in proportion to the other banks' payments.'';

(2) by redesignating subparagraph (D) as subparagraph (E);

(3) by adding a new subparagraph (D) as follows:

''(D)(i) In order to provide for the orderly funding and discharge over time of the obligation of each System bank to the Financial Assistance Corporation under subparagraph (C), each System bank shall enter into or continue in effect an agreement with the Financial Assistance Corporation under which the bank will make annual annuity-type payments to the Financial Assistance Corporation, beginning no later than December 1991 (except for any bank that did not meet its interim capital requirement on December 31, 1990, in which case such bank shall begin making such payments no later than December 31, 1993) in amounts designed to accumulate, in total, including earnings thereon, to 90% of the bank's ultimate obligation, and the Financial Assistance Corporation will partially discharge the bank from its obligation under subparagraph (C) to the extent of each such payment and the earnings thereon as earned.

''(ii) Such agreement shall not require payments to be made to the extent that making a particular payment or part thereof would cause the bank to fail to satisfy applicable regulatory permanent capital requirements, but shall provide for recalculation of subsequent payments accordingly.

''(iii) The funds received by the Financial Assistance Corporation pursuant to such agreements shall be invested in eligible investments as defined in Section 6.25(a)(1) of this Act, and such funds and the earnings thereon shall be available only for the payment of the principal of the bonds issued by the Financial Assistance Corporation under this subsection.''; and

(4) by adding before the period at the end of subparagraph (E), as redesignated by paragraph (2) of this section, the following: '', nor shall the obligation to make future annuity payments to the Financial Assistance Corporation under subparagraph (D) be considered a liability of any System bank''.

SEC. 1302. PREFERRED STOCK.

Section 6.26(d)(1)(B) (12 U.S.C. 2278b–6(d)(1)(B)), is amended by adding at the end thereof the following: ''Each year beginning in 1992, as soon as practicable following the end of the prior year, each such institution (except institutions in receivership) shall appropriate from its earnings in the prior year to an appropriated unallocated surplus account with respect to preferred stock, the sum of—

''(i) the greater of—

''(I) such amount as the institution may be required to appropriate under any assistance agreement it has with the Farm Credit System Assistance Board or the Farm Credit System Insurance Corporation; or

''(II) the amount that, if appropriated to such account in equal amounts in each year thereafter until the maturity of the obligation referred to in subparagraph (A), would cause the amount in such account to equal the par value of the preferred stock issued by such institution with respect to such obligation; plus

''(ii) any amount that had been appropriated to said account in a previous year but had thereafter been offset by losses;

''*Provided, however,* That an annual appropriation shall not be made to the extent that it would exceed the institution's net income (as determined pursuant to generally accepted accounting principles) in that year or to the extent that it would cause the institution's preferred stock to be impaired. The amount in such appropriated unallocated surplus account shall be unavailable to pay dividends or other allocations or distributions to shareholders or holders of participation certificates, and said account shall be senior to all other unallocated surplus accounts but junior to all preferred and common stock for purposes of the application of operating losses. Such appropriations of surplus by an institution shall not affect the treatment of its preferred stock (and of the appropriated unallocated surplus) as equity for purposes of regulatory permanent capital requirements.''

SEC. 1303. SYSTEMWIDE REPAYMENT OBLIGATION.

Section 6.26(d)(1)(C) (12 U.S.C. 2278b–6(d)(1)(C)), is amended by adding at the end thereof the following: ''The annual increase in the present value of the estimated obligation of each bank to the Financial Assistance Corporation hereunder shall be recorded each year as an expense item, in accordance with generally accepted accounting principles, on the books of the bank. A bank may (and, to the extent necessary to satisfy its obligations, shall) pass on (either directly, or indirectly through loan pricing or otherwise) all or part of such payment requirement to its affiliated direct lender associations based on proportionate average accruing retail loan volumes for the preceding 15 years, but the bank shall remain primarily liable for such amount. Any bank leaving the Farm Credit System pursuant to Section 7.10 of this Act shall be required, under regulations of the Farm Credit Administration, to pay to the Financial Assistance Corporation the estimated present value of such future payment had the bank remained in the System, and a liability to the Financial Assistance Corporation in said amount (calculated as if the bank had left the System on the date it was placed in liquidation) shall be recognized as a claim in favor of the Financial Assistance Corporation against the estate of any bank undergoing liquidation. The obligations of other banks shall not be reduced in anticipation of any such recoveries from banks leaving the System or in liquidation, but the Financial Assistance Corporation shall apply such recoveries, when received, and all earnings thereon, to reduce the other banks' payment obligations, or, to the extent such recoveries are received after the other banks have met their entire payment obligation, shall refund such recoveries, when received, to the other banks in proportion to the other banks' payments. Any association leaving the Farm Credit System pursuant to Section 7.10 of this Act shall be required, under regulations of the Farm Credit Administration, to pay to its supervising bank a share, based on the association's retail loan volume relative to the retail loan volume of the bank and its affiliated associations had the association remained in the System, of the present value of such future payment, and a liability to the bank in said amount (calculated as if the association had left the System on the date it was placed in liquidation) shall be recognized as a claim in favor of the bank against the estate of any association undergoing liquidation.''

SEC. 1304. REPAYMENT OF TREASURY-PAID INTEREST

(a) CONFORMING AMENDMENT.—Section 6.26(c)(5) (12 U.S.C. 2278b–6(c)(5)), is amended to read as follows:

''(5) REPAYMENT OF TREASURY-PAID INTEREST.—

''(A) IN GENERAL.—On the maturity date of the last-maturing debt obligation issued under subsection (a) of this section, the Financial Assistance Corporation shall repay to the Secretary of the Treasury the total amount of any annual interest charges on such debt obligations that Farm Credit System institutions (other than the Financial Assistance Corporation) have not previously paid, and the Financial Assistance Corporation shall not be required to pay any additional interest charges on such payments.

(B) ASSESSMENT.—In order to provide for the orderly funding and discharge of the obligation of the Financial Assistance Corporation under subparagraph (A), each System bank shall enter into or continue in effect, and comply with, an agreement with the Financial Assistance Corporation under which the bank will make annual annuity-type payments to the Financial Assistance Corporation, beginning no later than December 31, 1992 (except for any bank that did not meet its interim capital requirement on December 31, 1990, in which case such bank shall begin making such payments no later than December 31, 1993) in amounts designed to accumulate, in total, including earnings thereon, to an amount equal to the bank's ultimate obligation, and the Financial Assistance Corporation will partially discharge the bank from its obligation under this subparagraph to the extent of each such payment and the earnings thereon as earned. Except in the last five years prior to the date the Financial Assistance Corporation is obligated to make such repayment, no annual payment may exceed .0006 times the bank's and its affiliated associations' average accruing retail loan volume for the preceding year.

''(C) INVESTMENT OF FUNDS.—The Financial Assistance Corporation shall invest funds derived from such investment in eligible investments as defined in section 6.25(a)(1) of this Act, and such funds and the earnings thereon shall be available only for the repayment to the Secretary of the Treasury provided for in subparagraph (A).

''(D) PASS THROUGH.—A bank may (and, to the extent necessary to satisfy its obligations, shall) pass on (either directly, or indirectly through loan pricing or otherwise) all or part of such assessments to its affiliated direct lender associations based on proportionate average accruing retail loan volumes for the preceding year, but the bank shall remain primarily liable for such amounts.

''(E) LIABILITY.—

''(i) BANKS TERMINATING SYSTEM STATUS OR IN LIQUIDATION.—Any bank terminating System status pursuant to Section 7.10 shall be required, under regulations of the Farm Credit Administration, to pay to the Financial Assistance Corporation the estimated present value of all future such assessments against the bank had the bank remained in the System, and a liability to the Financial Assistance Corporation in such amount (calculated as if the bank had left the System on the date it was placed in liquidation) shall be recognized as a claim in favor of the Financial Assistance Corporation against the estate of any bank undergoing liquidation.

''(ii) NO ANTICIPATORY REDUCTIONS IN OTHER OBLIGATIONS.—The obligations of other banks shall not be reduced in anticipation of any such recoveries from banks leaving the System or in liquidation.

''(iii) REFUND OF RECOVERIES.—The Financial Assistance Corporation shall apply such recoveries, when received, and all earnings thereon, to reduce the other banks' payment obligations, or, to the extent such recoveries are received after the other banks have met their entire payment obligation, shall refund such recoveries, when received, to the other banks in proportion to the other banks' payments.

''(F) ASSOCIATIONS TERMINATING SYSTEM STATUS OR IN LIQUIDATION.—Any association terminating System status pursuant to Section 7.10 of this Act shall be required, under regulations of the Farm Credit Administration, to pay to its supervising bank a share, based on the association's retail loan volume relative to the retail loan volume of the bank and its affiliated associations had the association remained in the System, of the estimated present value of all future such assessments against the bank, and a liability to the bank in said amount (calculated as if the association had left the System on the date it was placed in liquidation) shall be recognized as a claim in favor of the bank against the estate of any association undergoing liquidation.

''(G) CAPITAL REQUIREMENTS.—

''(i) IN GENERAL.—Until the date that is five years prior to the date on which the Financial Assistance Corporation is required to repay the Secretary of the Treasury pursuant to subparagraph (A), all assessments paid by banks to the Financial Assistance Corporation pursuant to subparagraph (B), and any part of the obligation to pay future assessments to the Financial Assistance Corporation under subparagraph (B) that is recognized as an expense on the books of any System bank or association, shall nonetheless be included in the capital of the bank or association for purposes of determining its compliance with regulatory capital requirements.

''(ii) DURING THE FINAL FIVE YEARS PRIOR TO REPAYMENT.—During the period beginning on the date that is—

''(I) five years prior to the date on which the Financial Assistance Corporation is required to repay the Secretary of the Treasury pursuant to subparagraph (A), sixty percent;

''(II) four years prior to the date on which the Financial Assistance Corporation is required to repay the Secretary of the Treasury pursuant to subparagraph (A), thirty percent; and

''(III) three years prior to the date on which the Financial Assistance Corporation is required to repay the Secretary of the Treasury pursuant to subparagraph (A), zero percent;

of all assessments paid by banks to the Financial Assistance Corporation pursuant to subparagraph (B), and of any part of the obligation to pay future assessments to the Financial Assistance Corporation under subparagraph (B) that is recognized as an expense on the books of any System bank or association, shall nonetheless be included in the capital of the bank or association for purposes of determining its compliance with regulatory capital requirements.''.

(b) CONFORMING AMENDMENT.—Section 6.28 of the Farm Credit Act of 1971 (12 U.S.C. 2278b–8) is amended by striking subsection (b) and redesignating subsection (c) as subsection (b).

SEC. 1305. TRANSFER OF OBLIGATIONS FROM ASSOCIATIONS TO BANKS, AND OTHER MATTERS.

Section 6.26 (12 U.S.C. 2278b–6), is amended—

(1) in subsection (c)—

(A) by striking ''INSTITUTIONS'' in the heading of paragraph (2)(B) and inserting ''BANKS'';

(B) by striking the word ''institutions'' each time it appears in paragraphs (2)(B), (3) and (4) and inserting in lieu thereof the word ''banks'';

(C) by amending paragraph (2)(C) to read as follows:

''(C) ALLOCATION.—During each year of the second 5-year period, each System bank shall pay to the Financial Assistance Corporation a proportion, as calculated by the Financial Assistance Corporation, of the interest due from System banks under this paragraph equal to—

''(i) the amount of the average accruing retail loan volume of the bank and its affiliated associations for the preceding year; divided by

''(ii) the total average accruing retail loan volume of all such banks and their affiliated associations for the preceding year.''; and

(D) by striking paragraph (2)(D);

(2) in subsection (d)—

(A) in paragraph (1)(C)—

(i) by striking the word ''institution'' the first time it appears and inserting in lieu thereof the word ''bank'';

(ii) by striking ''under section 6.7(a)'' and inserting in lieu thereof ''or the Financial Assistance Corporation under sections 6.7(a) and 6.24, respectively,'';

(iii) by adding after ''proportion'' the following '', as calculated by the Financial Assistance Corporation,'';

(iv) by amending clauses (i) and (ii) to read as follows:

''(i) the average accruing retail loan volume of the bank and its affiliated associations for the preceding 15 years; divided by

''(ii) the average accruing retail loan volume of all such banks and their affiliated associations for the same period.'';

(B) by striking paragraph (1)(D); and

(C) by redesignating paragraph (1)(E) as paragraph (1)(D); and

(3) by adding at the end thereof the following new subsections:

''(e) ADMINISTRATION.—

''(1) DEFINITION OF RETAIL LOAN VOLUME.—As used in this section, the term 'retail loan volume' means all loans (as defined in accordance with generally accepted accounting principles) by a System bank or association, excluding loans by such a bank or association to another System institution.

''(2) CALCULATION OF AVERAGE ANNUAL LOAN VOLUMES.—For purposes of this section and section 6.9, average annual loan volumes shall be calculated using month-end balances.

''(3) EXCLUSION OF BANKS UNDERGOING LIQUIDATION.—For purposes of this section and section 6.9, the term 'bank' shall not include a bank that had entered liquidation prior to the enactment of this subsection.''.

SEC. 1306. DEFAULTS.

Section 6.26(d) (12 U.S.C. 2278b–6(d)), is amended—

(1) by amending the heading of paragraph (3)(A) to read as follows: ''CERTAIN PRINCIPAL AND INTEREST OBLIGATIONS.—'';

(2) in paragraph (3)(A)(i)—

(A) by striking ''subsection (a),'' and inserting the following: ''subsection (a) of this section, on the payment of principal or interest due under subparagraphs (B) and (C) of section 6.9(e)(3), on the payment of principal due under paragraph (1)(C) of this section, or on the payment of an assessment due under subsection (c)(5)(B) of this section,'';

(B) by striking ''of the interest'' in the two places it appears; and

(C) by striking ''institution'' wherever it appears, and inserting in lieu thereof ''bank'';

(3) in paragraph (3)(A)(ii)—

(A) by striking ''of interest'';

(B) by striking ''institution'' and inserting in lieu thereof ''bank''; and

(C) by striking ''such uncollected interest'', and inserting in lieu thereof ''any uncollected amount'';

(4) in paragraph (3)(A)(iii), by striking ''added'' and all that follows through the period at the end and inserting ''allocated to other System banks in accordance with the allocation mechanism applicable under this Act to the particular defaulted obligation.'';

(5) by amending the heading of subparagraph (B) of paragraph (3) to read as follows: ''PRINCIPAL OF BONDS ISSUED TO FUND PURCHASE OF PREFERRED STOCK.—'';

(6) in paragraph (3)(C)—

(A) by striking ''INSTITUTIONS'' in the heading to paragraph (3)(C) and inserting ''BANKS'';

(B) by striking ''institution'' and inserting ''bank'';

(C) by striking ''institutions'' both places it appears and inserting ''banks''; and

(D) by striking ''the amount of any interest'', and inserting in lieu thereof ''any amounts'';

(7) in paragraph (4)(A), by adding after ''subsection (a)'' ''of this section or section 6.9(e)(3)(A)'';

(8) in paragraph (4)(B)(i)—

(A) by amending the clause heading to read as follows: ''CERTAIN PRINCIPAL AND INTEREST OBLIGATIONS.—'';

(B) by striking ''subsection (c),'' and inserting ''subsection (c) of this section, on the payment of principal or interest due under subparagraphs (B) and (C) of section 6.9(e)(3), on the payment of principal due under paragraph (1)(C) of this subsection, or on the payment of an assessment due under subsection (c)(5)(B) of this section,''; and

(C) by striking ''institution'' wherever it appears, and inserting in lieu thereof ''bank''; and

(9) in paragraph (4)(B)(ii), by amending the clause heading to read as follows: ''PRINCIPAL OF BONDS ISSUED TO FUND PURCHASE OF PREFERRED STOCK.—''.

SEC. 1307. AUTHORITY OF FINANCIAL ASSISTANCE CORPORATION.

(a) PURPOSE.—Section 6.21 (12 U.S.C. 2278b–1) is amended by adding before the period at the end thereof: ''and to assist, pursuant to section 6.9(e) and subsections (c) through (g) of section 6.26, in the repayment by System institutions of those who provided funds in connection with such program''.

(b) Section 6.31(a) (12 U.S.C. 2278b–11(a)) is amended by adding striking ''terminate on'' and inserting the following: ''terminate on the complete discharge by the Financial Assistance Corporation of its responsibilities under Section 6.9(e) and subsections (c) through (g) of section 6.26 with regard to repayments by System institutions, but in no event later than two years following''.

SEC. 1308. TECHNICAL AMENDMENTS.

(a) TECHNICAL AMENDMENT TO THE FOOD, AGRICULTURE, CONSERVATION, AND TRADE ACT AMENDMENTS OF 1991.—Section 204(3) of the Food, Agriculture, Conservation, and Trade Act Amendments of 1991 (P.L. 102–237; 105 Stat. 1855) is amended by striking ''in section 1221(1)(D) (16 U.S.C. 3821(1)(D))'' and inserting ''in section 1221(a)(1)(D) (16 U.S.C. 3821(a)(1)(D))''.

(b) TECHNICAL AMENDMENTS TO THE FARM CREDIT ACT OF 1971.—

(1) Section 8.11(a)(1)(B)(ii) of the Farm Credit Act of 1971 (12 U.S.C. 2279aa–11(a)(1)(B)(ii)) is amended by striking ''the date of enactment of this section'' and inserting ''December 13, 1991''.

(2) Section 8.32 of such Act (12 U.S.C. 2279bb–1) is amended—

(A) in each of subsections (a), (b)(1)(D), and (b)(2), by striking ''the date of the enactment of this section'' each place such term appears and inserting ''December 13, 1991''; and

(B) in subsection (b)(1)(E), by striking ''the date of the enactment of such Act'' and inserting ''December 13, 1991''.

(3) Section 8.3(c)(13) of the Farm Credit Act of 1971 (12 U.S.C. 2279aa–3(c)(13)) is amended by striking ''8.11(g)'' and inserting ''8.11(e)''.

Subtitle D—Clarification of Certain Authorities

SEC. 1401. CLARIFICATION OF THE STATUS AND POWERS OF CERTAIN INSTITUTIONS OF THE FARM CREDIT SYSTEM.

(a) CLARIFICATION OF AUTHORITY REGARDING REMAINING FEDERAL INTERMEDIATE CREDIT BANK.—Section 410 of the Agricultural Credit Act of 1987 (12 U.S.C. 2011 note) is amended by adding at the end the following new subsection:

''(e) CLARIFICATION OF AUTHORITY REGARDING REMAINING FEDERAL INTERMEDIATE CREDIT BANK.—

''(1) BORROWER VOTE.—Notwithstanding any other provision of law, within 30 days after the date of the enactment of this subsection, the Farm Credit Administration shall conduct and compile the results of a referendum of the farmer-borrowers of the production credit associations that are stockholders in the Federal Intermediate Credit Bank of Jackson to determine whether the merger required under this subsection shall be completed in accordance with the provisions of paragraph (2) or paragraph (3) of this subsection. The Farm Credit Administration shall make available to such farmer-borrowers such information as it determines is appropriate under the circumstances to reasonably inform the farmer-borrowers of the anticipated benefits and potential disadvantages of each of the two merger completion options. Each such farmer-borrower shall be entitled to one vote. The Farm Credit Administration shall establish record dates and other procedures for conducting the referendum. The Federal Intermediate Credit Bank of Jackson and the production credit associations shall cooperate in the conduct of the referendum, as determined

necessary by the Farm Credit Administration.

''(2) ARBITRATED MERGER.—

''(A) APPROVAL BY BORROWERS.—If at least fifty percent of the farmer-borrowers voting in the referendum under paragraph (1) vote to complete the merger required under this subsection under the provisions of this paragraph, then a merger of the Federal Intermediate Credit Bank of Jackson into the Farm Credit Bank of Texas shall be completed in accordance with the provisions of this paragraph not later than 1 year after the date of the enactment of this subsection.

''(B) ARBITRATOR.—

''(i) IN GENERAL.—If at least fifty percent of the farmer-borrowers voting in the referendum under paragraph (1) vote to complete the merger required under this subsection under the provisions of this paragraph, then, not later than 60 days after the date of the enactment of this subsection, an arbitrator (or panel of arbitrators) shall be named by the American Arbitration Association in accordance with the Commercial Arbitration Rules of the American Arbitration Association to serve as the arbitrator referred to in this paragraph.

''(ii) DUTIES.—The arbitrator shall determine the terms and conditions of the merger required under this paragraph, such that the terms and conditions are fair and equitable to the two banks, their affiliated associations, the stockholders and borrowers of such associations, and the other institutions of the Farm Credit System, and are designed to protect or enhance the safety and soundness of the Farm Credit System. The arbitrator shall have the authority to hire staff and secure the services of consultants as necessary to discharge the duties of the arbitrator under this paragraph.

''(iii) EXPENSES.—Notwithstanding any other provision of law, the compensation and expenses of the arbitrator, the fees and expenses of the American Arbitration Association, and any expenses associated with the referendum required under subparagraph (C) shall be paid from the Farm Credit Assistance Fund established under section 6.25.

''(C) REFERENDUM ON ASSOCIATION STRUCTURE.—

''(i) IN GENERAL.—Within 120 days after the date of the enactment of this subsection, the American Arbitration Association shall conduct, and compile the results of, a vote of current farmer-borrowers of the production credit associations and the Federal land bank associations in the States of Alabama, Louisiana, and Mississippi in accordance with the Election Rules of the American Arbitration Association to determine whether the farmer-borrowers of each association prefer to have credit delivered—

''(I) in the case of production credit association farmer-borrowers, through a production credit association or through an agricultural credit association; and

''(II) in the case of Federal land bank association farmer-borrowers, through a Federal land bank association or through an agricultural credit association.

Each farmer-borrower shall be entitled to one vote. The arbitrator shall establish record dates and other procedures for conducting the referendum. The Federal Intermediate Credit Bank of Jackson and the production credit associations shall cooperate in the conduct of the referendum, as determined necessary by the Arbitrator.

''(ii) DISCLOSURE.—The arbitrator shall send to farmer-borrowers eligible to vote under this subparagraph, with their ballot, a statement describing the potential consequences to the farmer-borrowers, and to the associations from which they borrow, of the two alternatives presented in the ballots and setting forth factors that farmer-borrowers might consider relevant to the choice between the two alternatives. The arbitrator shall develop such disclosure materials in cooperation with the Farm Credit Administration and ensure that the materials are not inconsistent with applicable laws and regulations.

''(iii) TABULATION OF RESULTS.—The results of the vote under this subparagraph shall be compiled separately for production credit association farmer-borrowers and Federal land bank association farmer-borrowers in each of the following seven geographic areas:

''(I) The area served by the Federal Land Bank Association of South Mississippi.

''(II) The area served by the Federal Land Bank Association of North Mississippi.

''(III) The area served by the Federal Land Bank Association of South Alabama.

''(IV) The area served by the Federal Land Bank Association of North Alabama.

''(V) The area served by the Federal Land Bank Association of South Louisiana.

''(VI) The area served by both the Federal Land Bank Association of North Louisiana and the First South Production Credit Association.

''(VII) The area served by both the Federal Land Bank Association of North Louisiana and the Northwest Louisiana Production Credit Association.

''(iv) PUBLICATION OF RESULTS.—The results of the vote under this subparagraph, as tabulated by the American Arbitration Association, shall be made promptly available to the public in a manner determined appropriate by the Farm Credit Administration.

''(D) DEVELOPMENT OF MERGER PLANS.—

''(i) IN GENERAL.—Within 210 days after the date of the enactment of this subsection, the arbitrator shall develop a plan specifying the terms and conditions of the merger of the two banks (and any related association mergers) required under this paragraph, such that the terms and conditions are fair and equitable to the two banks, their affiliated associations, the stockholders or farmer-borrowers of such associations, and the other institutions of the Farm Credit System, and are designed to protect or enhance the safety and soundness of the Farm Credit System. In devising the plan the arbitrator shall, to the extent practicable, achieve the following objectives:

''(I) Implementation of the preference expressed by the majority vote of the farmer-borrowers voting under subparagraph (C) in accordance with subparagraph (D)(iv), and expressed by the affected and interested parties under clause (ii).

''(II) Valuation of assets fairly, equitably, and consistently for all parties involved.

''(III) Establishment of capitalization and funding terms in a manner that treats farmer-borrowers and stockholders in the two involved farm credit districts equitably and takes account of risk.

''(IV) Ensure the viability of the resulting Farm Credit Bank and associations of such bank and the ability of the resulting bank and associations of such bank to lend to eligible borrowers at reasonable and competitive rates of interest.

''(ii) SUBMISSION OF VIEWS AND INFORMATION.—The arbitrator shall receive from affected and interested parties written submissions, in accordance with fair and reasonable procedures established by the arbitrator, regarding the terms and conditions of an appropriate plan for the merger of the two banks (and any related association mergers) required under this paragraph. The Federal Intermediate Credit Bank of Jackson, the Farm Credit Bank of Texas, and their affiliated associations in the states of Alabama, Louisiana, and Mississippi, shall make available all books, records, financial information, and other material that the arbitrator determines is directly necessary to the development of the plan or the fulfillment of any other requirement under this paragraph. A copy of any submission or information provided to the arbitrator by any party under this paragraph shall be furnished to the Federal Intermediate Credit Bank of Jackson or the Farm Credit Bank of Texas upon the written request of such bank and at such bank's expense. The arbitrator shall provide both banks with a reasonable opportunity to review and respond to any submission or information provided by any party.

''(iii) CONTENT OF PLAN.—In accordance with the standards in clause (i) and giving due consideration to the views and information submitted or made available under clause (ii), the arbitrator shall develop and submit to the Farm Credit Administration for certification a merger plan that shall include provisions regarding the following matters:

''(I) The initial composition, following the merger, of the board of directors of the resulting Farm Credit Bank (which shall be subject to change thereafter in accordance with the provisions of the Farm Credit Act of 1971 and any applicable regulations).

''(II) The initial association structure following the merger, as required under clause (iv), in the States of Alabama, Louisiana, and Mississippi (which shall be subject to change thereafter in accordance with the provisions of the Farm Credit Act of 1971 and any applicable regulations).

''(III) The initial composition, following the merger, of the board of directors of any association whose chartered territory or lending authority is altered under the plan (which shall be subject to change thereafter in accordance with the provisions of the Farm Credit Act of 1971 and any applicable regulations).

''(IV) The valuation, for purposes of the merger, of the assets and liabilities of the merging banks and any merging associations. The arbitrator shall consult with the Farm Credit System Insurance Corporation regarding the valuation of such assets and liabilities in accordance with clause (v).

''(V) The terms and conditions upon which the shares of capital stock of the Federal Intermediate Credit Bank of Jackson, and of any associations that may merge under the plan, will be converted into shares of the Farm Credit Bank of Texas, and shares of the resulting associations, respectively.

''(VI) The capital structure and capitalization levels of the resulting Farm Credit Bank, the associations described in subclause (III), and such other associations in the States of Alabama, Louisiana, and Mississippi as the arbitrator determines necessary to carry out the purposes of this paragraph (which shall be subject to change thereafter in accordance with the provisions of the Farm Credit Act of 1971 and any applicable regulations).

''(VII) The terms of financing agreements between any production credit associations or associations described in subclause (III), and the resulting Farm Credit Bank (which shall be subject to change thereafter in accordance with the provisions of the Farm Credit Act of 1971 and any applicable regulations).

''(VIII) Any other terms and conditions or other matters that the arbitrator considers necessary.

''(iv) CONTENT OF PLAN; AGRICULTURAL CREDIT ASSOCIATIONS.—The plan shall—

''(I) in any of the geographic areas described in subparagraph (C)(iii) where a majority of the farmer-borrowers of both the production credit association and the Federal land bank association voted under subparagraph (C)(i) that they preferred to have credit delivered through an agricultural credit association, provide for the delivery of credit through an agricultural credit association in such territory; and

''(II) in any of the geographic areas described in subparagraph (C)(iii) where a majority of the farmer-borrowers of the production credit association or the Federal land bank association voted that they preferred to have credit delivered through a production credit association or a Federal land bank association, as appropriate, not provide for the delivery of credit through an agricultural credit association, or otherwise alter the existing association structure.

''(v) CONSULTATION WITH INSURANCE CORPORATION.—The arbitrator shall consult with the Farm Credit System Insurance Corporation regarding the valuation of the assets and liabilities under the plan of merger, the capitalization of the Farm Credit System institutions resulting under the plan, and any other matters relevant to the assistance to be provided by the Insurance Corporation under subparagraph (H).

''(E) CERTIFICATION OF PLAN.—Within 45 days after the receipt of the plan developed by the arbitrator, the Farm Credit Administration shall—

''(i) certify; or

''(ii) recommend to the arbitrator revisions to the plan that, if incorporated into the plan, will allow the Farm Credit Administration to certify,

that the resulting bank and associations are organized in such a fashion such that they will, upon implementation of the plan, operate in compliance with applicable laws and regulations. The arbitrator and the Farm Credit Administration shall work cooperatively to ensure the expeditious issuance of the certification. If the Farm Credit Administration recommends to the arbitrator revisions to the plan that, if incorporated into the plan, will allow the Farm Credit Administration to certify the plan, the arbitrator shall, within 15 days of receipt of such recommended revisions, incorporate such revisions into the plan as the arbitrator deemsappropriate to secure such certification.

''(F) REVIEW.—Actions and determinations of the arbitrator or the Farm Credit Administration pursuant to this paragraph shall not be subject to judicial review, and the actions and determinations of the arbitrator shall not be subject to the requirements of the Administrative Procedures Act.

''(G) IMPLEMENTATION.—Within 90 days after the date of the receipt of the plan under subparagraph (E), the Farm Credit Administration shall issue such charters or charter amendments and take any such other regulatory actions as may be necessary to implement the merger or mergers as provided for under the certified plan.

''(H) Facilitation.—

''(i) Beginning on the date of the enactment of this subsection, the Farm Credit System Insurance Corporation shall expend amounts in the Farm Credit Insurance Fund to the extent necessary to facilitate the merger prescribed in the plan. Assistance shall be on such terms and conditions as the Farm Credit System Insurance Corporation deems appropriate.

''(ii) Until the expiration of five years from the effective date of a merger authorized by this subsection, or the final resolution of any litigation against the Federal Intermediate Credit Bank of Jackson or any of its stockholders pending on the date of the enactment of this subsection, whichever is later, the Insurance Corporation shall guarantee prompt payment of any loss experienced by the merged bank, which loss is caused by the failure of any association-stockholder of the merged bank that was a stockholder of the Federal Intermediate Credit Bank of Jackson immediately prior to such merger, or any successor to such association, to pay when due any obligation of principal or interest owed by such association or its successor to the resulting bank.

''(I) DEFINITIONS.—As used in this paragraph—

''(i) the term 'agricultural credit association' means an association having the same authorities, attributes and obligations as, and for all purposes an agricultural credit association resulting from the implementation of the plan under this paragraph shall be deemed to be, an association resulting from the merger of a production credit association and a Federal land bank association under section 7.8; and

''(ii) the term 'farmer-borrower' means a borrower from a Farm Credit System association or bank in the states of Alabama, Louisiana, or Mississippi who is an individual and who holds voting stock, or is eligible to hold voting stock, in such institution.

''(3) NEGOTIATED OR REGULATORY MERGER.—

''(A) APPROVAL BY BORROWERS.—If a majority of the farmer-borrowers voting in the referendum under paragraph (1) vote to complete the merger required under this subsection under the provisions of this paragraph, then a merger of the Federal Intermediate Credit Bank of Jackson shall be completed in accordance with the provisions of this paragraph not later than 1 year after the date of the enactment of this subsection.

''(B) MERGER AUTHORITY.—

''(i) EFFECTIVE DATES.—If a majority of the farmer-borrowers voting in the referendum under paragraph (1) vote to complete the merger required under this subsection in accordance with the provisions of this paragraph, then the provisions of clause (ii) shall take effect as if such clause had become law at the time the amendment referred to in such clause (ii) took effect, and shall remain in effect until 1 year after the date of enactment of this subsection.

''(ii) AUTHORITY.—Effective only as provided in clause (i), the Federal Intermediate Credit Bank of Jackson may operate subject to such provisions of part A of title II of the Farm Credit Act of 1971 (as in effect immediately before the amendment made by section 401 of the Agricultural Credit Act of 1987 took effect) and such provisions of the Farm Credit Act of 1971 (as in effect after the amendment), as the Farm Credit Administration may deem appropriate to carry out the purposes of this subsection and such Act.

''(C) REQUIREMENT.—Within 11 months after the date of enactment of this subsection, the Federal Intermediate Credit Bank of Jackson shall merge with a Farm Credit Bank pursuant to the procedures prescribed by section 7.12 of the Farm Credit Act of 1971.

''(D) EFFECT OF FAILURE TO MERGE.—If the Federal Intermediate Credit Bank of Jackson fails to comply with subparagraph (C), the Farm Credit Administration shall, within 30 days after the end of the 11 month period described in subparagraph (C), order the Federal Intermediate Credit Bank of Jackson to merge with a Farm Credit Bank which is willing to merge with the Federal Intermediate Credit Bank of Jackson pursuant to a plan of merger prescribed by the Farm Credit Administration, after consultation with the Farm Credit System Insurance Corporation with respect to the assistance to be provided by the Insurance Corporation under subparagraph (F). The order provided for in this paragraph shall specify the effective date of the merger, which shall be in the sole discretion of the Farm Credit Administration.

''(E) REVIEW.—Actions and determinations of the Farm Credit Administration pursuant to subparagraph (D) shall not be subject to judicial review.

''(F) FACILITATION.—

''(i) If a merger under this paragraph is ordered pursuant to subparagraph (D), then beginning on the date of such order the Farm Credit System Insurance Corporation shall expend amounts in the Farm Credit Insurance Fund to the extent necessary to facilitate the merger prescribed in the order.

''(ii) Until the expiration of five years from the effective date of the order under subparagraph (D), or the final resolution of any litigation against the Federal Intermediate Credit Bank of Jackson or any of its stockholders pending on the date of the enactment of this subsection, whichever is later, the Insurance Corporation shall guarantee prompt payment of any loss experienced by the merged bank, which loss is caused by the failure of any association-stockholder of the merged bank that was a stockholder of the Federal Intermediate Credit Bank of Jackson immediately prior to such merger, or any successor to such association, to pay when due any obligation of principal or interest owed by such association or its successor to the resulting bank.''.

(b) LONG-TERM LENDING AUTHORITY OF THE FARM CREDIT BANK OF TEXAS WITH RESPECT TO THE STATES OF ALABAMA, LOUISIANA, AND MISSISSIPPI.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Farm Credit Bank of Texas may act in accordance with the exclusive charter of the bank, as amended by the Farm Credit Administration on February 7, 1989, and effective February 9, 1989 (except to the extent that such charter may be further amended by the Farm Credit Administration).

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect as if such paragraph had become law on February 7, 1989.

(c) DENIAL OF COMPETITIVE CHARTERS.—Section 5.17(a)(2) of the Farm Credit Act of 1971 (12 U.S.C. 2252(a)(2)) is amended by adding at the end the following: ''The Farm Credit Administration shall not issue a charter to, or approve an amendment to the charter of, any institution of the Farm Credit System to operate in the states of Alabama, Louisiana, or Mississippi under title I or II which would authorize the institution to exercise lending authority, whether directly or indirectly as an agent of a Farm Credit Bank, in a territory in which the charter of another such institution authorizes such other institution to exercise like authority, whether directly or indirectly as an agent of a Farm Credit Bank, except with the approval of—

(A) in a case affecting only the charter of an association—

(i) a majority of the shareholders (present and voting or voting by proxy) of each of the associations that would have like lending authority (whether directly or indirectly as an agent of a Farm Credit Bank) in any of that territory if such charter action were taken; and

(ii) the board of directors of the Farm Credit Bank with which the affected associations are affiliated; or

(B) in a case affecting the charter of a bank—

(i) a majority of the shareholders (present and voting or voting by proxy) of the affiliated associations of each of the banks that would have like lending authority in any of that territory if such charter action were taken; and

(ii) a majority of the shareholders (present and voting or voting by proxy) of each of the banks that would have like lending authority in any of that territory if such charter were taken.''

Subtitle E—Disclosure Requirements

SEC. 1501. FINANCIAL DISCLOSURE AND CONFLICT OF INTEREST REPORTING BY DIRECTORS, OFFICERS, AND EMPLOYEES OF FARM CREDIT SYSTEM INSTITUTIONS.

(a) FINDINGS.—The Congress finds that—

(1) the disclosure of the compensation paid to, loans made to, and transactions made with a Farm Credit System institution by, directors and senior officers of such institution provides the stockholders of such institutions with information necessary to better manage such institutions, provides the Farm Credit Administration with information necessary to efficiently and effectively regulate such institutions, and enhances the financial integrity of the Farm Credit System by making such information available to potential investors;

(2) the reporting of potential conflicts of interest by directors, officers, and employees of institutions of the Farm Credit System benefits the stockholders of such institutions, helps to ensure the financial viability of such institutions, provides information valuable to the Farm Credit Administration in periodic examinations of such institutions, and therefore enhances the safety and soundness of the Farm Credit System; and

(3) the directors, officers, or employees of some Farm Credit System institutions may not be subject to the regulations of the Farm Credit Administration requiring the disclosure of such financial information and the reporting of such potential conflicts of interest.

(b) PURPOSE.—It is the purpose of this section to ensure that the information reported by the directors, officers, and employees of Farm Credit System institutions under regulations of the Farm Credit Administration requiring the disclosure of financial information and the reporting of potential conflicts of interest—

(1) provides the stockholders of all Farm Credit System institutions with information to assist such stockholders in making informed decisions regarding the operation of such institutions,

(2) provides investors and potential investors with information necessary to assist them in making investment decisions regarding Farm Credit System obligations or institutions; and

(3) provides the Farm Credit Administration with information necessary to allow the Farm Credit Administration to effectively and efficiently examine and regulate all Farm Credit System institutions and thus enhance the safety and soundness of the Farm Credit System.

(c) REVIEW.—Not later than 120 days after the date of enactment of this section, the Farm Credit Administration shall complete a review of the current regulations of the Farm Credit Administration regarding the disclosure of financial information and the reporting of potential conflicts of interest by the directors, officers, and employees of Farm Credit System institutions. Consistent with the purpose of this section as provided in subsection (b), such review shall address whether the regulations—

(1) are adequate to fulfill the purpose of this section and such other purposes as the Farm Credit Administration determines to be consistent with the Farm Credit Act of 1971, and other applicable law, and to be otherwise necessary or appropriate;

(2) currently require the disclosure of financial information and the reporting of potential conflicts of interest by the directors, officers, and employees of all Farm Credit System institutions; and

(3) currently require the disclosure or reporting of such information by all of the appropriate directors, officers, or employees of Farm Credit System institutions.

(d) IMPLEMENTATION.—Not later than 360 days after the date of enactment of this section, the Farm Credit Administration shall amend its current financial disclosure and conflict of interest regulations as it determines necessary to carry out the purpose of this section and to address any deficiencies in such regulations that the Farm Credit Administration determines necessary pursuant to the review conducted under subsection (c).

TITLE II—AGRICULTURAL CREDIT IMPROVEMENT ACT OF 1992

SEC. 2001. SHORT TITLE.

This title may be cited as the ''Agricultural Credit Improvement Act of 1992''.

Subtitle A—Amendments to the Consolidated Farm and Rural Development Act

SEC. 2101. BEGINNING FARMER AND RANCHER PROGRAM.

(a) OPERATING LOANS; GUARANTEES OF OPERATING LOANS.—Subtitle B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1941–1947) is amended by adding at the end the following:

''SEC. 318. ASSISTANCE TO BEGINNING FARMERS AND RANCHERS.

''(a) IN GENERAL.—The Secretary shall provide assistance in accordance with this section to enable individuals to conduct viable farming or ranching operations. For purposes of this section, the term 'individual' means a natural person or an entity (other than a corporation) (1) all of whose owners or members are related by blood or marriage, and (2) none of whose owners or members has operated a farm or ranch for more than 5 years.

''(b) SUBMISSION OF PLAN OF FARM OPERATION.—An individual may seek assistance under this section for a proposed or ongoing farming or ranching operation by submitting to the county committee of the county in which the operation is (or is to be) located, not later than 60 days before such assistance is to be first provided, a plan which—

''(1) describes, for each of the first 5 years for which assistance under this section is sought for the operation—

''(A) how the operation is to be conducted;

''(B) the types and amounts of commodities to be produced by the operation;

''(C) the production methods and practices to be employed by the operation;

''(D) the conservation measures to be taken in the operation;

''(E) the equipment needed to conduct the operation (including any expected replacements therefor) and, with respect to each item of needed equipment, whether the individual owns, leases, or otherwise has access to the item, or proposes to purchase, lease, or otherwise gain access to the item;

''(F) the expected income and expenses of the operation;

''(G) the expected credit needs of the operation, including the types and amounts of assistance to be sought under this section; and

''(H) the site or sites at which the operation is (or is to be) located; and

''(2) projects the financial status of the operation after assistance under this section has been provided for such period, not exceeding 10 years, as is necessary for the operation to become financially viable without further assistance from the Secretary.

''(c) DETERMINATIONS BY THE COUNTY COMMITTEE; APPROVAL OF PLAN.—The county committee shall approve a plan submitted by an individual in accordance with subsection (b) if the county committee determines that—

''(1) the individual has not operated a farm or ranch, or has operated a farm or ranch for not more than 5 years;

''(2) during the 5-year period ending with the submission of the plan, the individual has had sufficient education and experience to indicate that the individual is able to conduct a successful farming or ranching operation, as the case may be;

''(3) the individual owns, leases, or has a commitment to have leased to the individual the site or sites of the operation;

''(4) there is, or will be, available to the individual equipment sufficient to conduct the operation in accordance with the plan;

''(5) the individual agrees to participate in such loan assessment, borrower training, and financial management programs as the Secretary may require; and

''(6) the individual, or in the case of an entity, each owner or member of the entity meets the requirements of paragraphs (1) and (3) of section 311(a).

''(d) DETERMINATION BY THE SECRETARY; APPROVAL OF APPLICATION FOR ASSISTANCE.—The Secretary shall approve an application for assistance under this section for an operation described in a plan approved by a county committee under subsection (c) if the Secretary determines that—

''(1) the operation (taking into account the types of agricultural commodities produced, and the average size of similar operations, in the area in which the operation is, or is to be, located) would generate income sufficient to cover the expenses of the operation, debt service, and adequate family living expenses of the individual, to the extent that other income would not cover such living expenses, if the operation received assistance under this section as provided for in the plan; and

''(2) not later than 10 years after first receiving assistance under this section, the operation will be financially viable without further assistance from the Secretary.

''(e) PROVISION OF ASSISTANCE.—

''(1) DETERMINATION OF COMMITMENT PERIOD.—

''(A) INITIAL DETERMINATION.—Upon approval of an application under subsection (d), the Secretary shall, subject to subparagraph (C) of this paragraph, determine the period during which assistance under this section is to be provided for the operation described in the application (in this subsection referred to as the 'commitment period').

''(B) AUTHORITY TO EXTEND PERIOD; NO AUTHORITY TO REDUCE PERIOD.—At any time, the Secretary may, subject to subparagraph (C) of this paragraph and subsections (f) and (g), extend the duration of the commitment period. The Secretary may not reduce the duration of the commitment period.

''(C) LIMITATION.—The duration of any commitment period (including any extensions thereof) shall not exceed 10 years.

''(2) OPERATING LOANS; LOAN GUARANTEES.—

''(A) IN GENERAL.—To the extent that an applicant whose application is approved under subsection (d) is unable to obtain sufficient credit from commercial or cooperative lenders to finance the operation described in the application at reasonable rates and terms (taking into consideration prevailing private and cooperative rates, and terms in the community in which the operation is, or is to be, located, for loans for similar purposes and periods of time), the Secretary shall, subject to the availability of funds therefor and subject to subsections (f) and (g), make a commitment to the applicant—

''(i) for each of the 1st, 2nd, 3rd, and 4th years of the commitment period—

''(I) to make a loan under this subtitle to the applicant at the interest rate charged to low income, limited resource borrowers under this subtitle, in the amount specified in the plan contained in the application; or

''(II) to provide to any commercial or cooperative lender who makes a loan to the applicant that is within the credit needs of the operation (as specified in the plan contained in the application)—

''(aa) a guarantee under section 309(h) for the repayment of 90 percent of the loan principal and interest; and

''(bb) if the Secretary determines that, despite the provision of the guarantee referred to in item (aa), the applicant will not qualify for such a loan, an interest subsidy payment sufficient to ensure that the effective rate of

interest payable by the applicant on the loan equals the rate of interest charged to low income, limited resource borrowers on insured operating loans under this subtitle of comparable size and maturity;

''(ii) for each of the 5th, 6th, 7th, and 8th years of the commitment period—

''(I) to provide to any commercial or cooperative lender who makes a loan to the applicant that is within the credit needs of the operation (as specified in the plan contained in the application) a guarantee under section 309(h) for the repayment of 90 percent of the loan principal and interest; and

''(II) if the Secretary determines that, despite the provision of the guarantee referred to in subclause (I), the applicant will not qualify for such a loan, then—

''(aa) to offer the lender an interest subsidy payment in the amount necessary to ensure that the applicant qualifies for such a loan but not more than the amount necessary to ensure that the effective rate of interest on the loan equals the rate of interest charged to low income, limited resource borrowers on insured operating loans under this subtitle of comparable size and maturity; or

''(bb) if funds are not available for the interest subsidy payment described in item (aa), to provide to the applicant a loan under this subtitle that is comparable to one for which a person not receiving assistance under this section (but otherwise in the same situation as the applicant) would be eligible; and

''(iii) for each of the 9th and 10th years of the commitment period, to provide to any commercial or cooperative lender who makes a loan to the applicant that is within the credit needs of the operation (as specified in the plan contained in the application) a guarantee under section 309(h) for the repayment of not more than 90 percent of the loan principal and interest.

''(B) SPECIAL RULE.—In the case of an application approved under subsection (d) with respect to which the commitment period is less than 10 years, the Secretary shall make the commitments described in subparagraph (A) for such portions of the commitment period as the Secretary deems appropriate.

''(3) LOANS OR GUARANTEES FOR NEW OR IMPROVED EQUIPMENT.—The Secretary shall make a commitment to any applicant whose application is approved under subsection (d) of this section to provide the applicant with loans under this subtitle or loan guarantees under section 309(h) to finance the acquisition, improvement, or repair of equipment needed in the operation described in the application if the plan contained in the application provides for the commitment, to the extent that the applicant is unable to obtain sufficient credit from commercial or cooperative lenders for such purposes at reasonable rates and terms (taking into consideration prevailing private and cooperative rates, and terms in the community in which the operation is, or is to be, located, for loans for similar purposes and periods of time).

''(4) PRIORITY IN PURCHASE OF INVENTORY EQUIPMENT; LOANS OR GUARANTEES FOR SUCH PURCHASES IN CERTAIN CASES.—During the commitment period, the Secretary shall—

''(A) accord the applicant whose application is approved under subsection (d) priority in the purchase of equipment in the inventory of the Farmers Home Administration necessary for the success of the operation described in the application; and

''(B) provide the applicant with loans under this subtitle or loan guarantees under section 309(h) to finance such purchases if the plan contained in the application provides for such assistance, to the extent that the applicant is unable to obtain sufficient credit from commercial or cooperative lenders for such purpose at reasonable rates and terms (taking into consideration prevailing private and cooperative rates, and terms in the community in which the operation is, or is to be, located, for loans for similar purposes and periods of time).

''(5) OTHER KINDS OF ASSISTANCE.—During the commitment period, the Farmers Home Administration, the Agricultural Extension Service, the Soil Conservation Service, and the other entities of the Department of Agriculture shall provide the applicant with such other assistance and information as may be needed in developing and implementing the operation described in the application.

''(6) NO LOAN GUARANTEE FEES.—The Secretary may not charge a fee to any lender in connection with any loan guarantee provided in accordance with this subsection.

''(f) ANNUAL PLAN REVISIONS REQUIRED AS CONDITION OF CONTINUED ASSISTANCE.—The Secretary shall not provide assistance under this section for an operation for any particular year after the first year for which such assistance is provided, unless—

''(1) not later than 60 days before such assistance is to be first provided for the particular year, the applicant has revised the plan describing the operation, based on the experience of the year preceding the particular year, to provide the information required by subsection (b) for the 5-year period beginning with the particular year (or, if shorter, the period beginning with the particular year and ending with the year in which the plan projects the operation as becoming financially viable); and

''(2) the county committee has approved the revised plan.

''(g) EFFECTS OF AVOIDABLE FAILURE TO ACHIEVE GOALS.—

''(1) TERMINATION OF COMMITMENTS.—The Secretary shall revoke any commitment for assistance made to an applicant under this section if the applicant's operation fails, for 2 consecutive years, to meet the goals specified in the plan, unless the failure is due to circumstances beyond the control of the applicant and has not materially reduced the likelihood of the operation becoming financially viable.

''(2) SUSPENSION OF ELIGIBILITY FOR ASSISTANCE.—During the 3-year period that begins with the date the commitments made to an applicant are revoked under paragraph (1), the applicant shall not be eligible for assistance under this section.''.

(b) DOWN PAYMENT LOAN PROGRAM.—Subtitle A of such Act (7 U.S.C. 1922–1934) is amended by adding at the end the following:

''SEC. 310E. DOWN PAYMENT LOAN PROGRAM.

''(a) IN GENERAL.—Notwithstanding any other section of this subtitle, the Secretary shall establish within the farm ownership loan program under this subtitle a program under which loans are made under this section to eligible beginning farmers and ranchers for down payments on farm ownership loans.

''(b) LOAN TERMS.—

''(1) PRINCIPAL.—Each loan made under this section shall be of an amount equal to 30 percent of the price of the farm or ranch to be acquired, unless the borrower requests a lesser amount.

''(2) INTEREST RATE.—The interest rate on any loan made under this section shall not exceed the minimum interest rate at which loans are made under subtitle C.

''(3) DURATION.—Each loan under this section shall be made for a period of 10 years, or less, at the option of the borrower.

''(4) REPAYMENT.—Each borrower of a loan under this section shall repay the loan to the Secretary in equal annual installments.

''(5) NATURE OF RETAINED SECURITY INTEREST.—The Secretary shall retain an interest in each farm or ranch acquired with a loan made under this section, which shall—

''(A) be secured by the farm or ranch;

''(B) be junior only to such interests in the farm or ranch as may be conveyed at the time of acquisition to the person from whom the borrower obtained a loan used to acquire the farm or ranch; and

''(C) require the borrower to obtain the permission of the Secretary before the borrower may grant an additional security interest in the farm or ranch.

''(c) LIMITATIONS.—

''(1) BORROWERS REQUIRED TO MAKE MINIMUM DOWN PAYMENT.—The Secretary shall not make a loan under this section to any borrower with respect to a farm or ranch if the contribution of the borrower to the down payment on the farm or ranch will be less than 10 percent of the price of the farm or ranch.

''(2) MAXIMUM PRICE OF PROPERTY TO BE ACQUIRED.—The Secretary shall not make a loan under this section with respect to a farm or ranch the price of which exceeds $250,000.

''(3) PROHIBITED TYPES OF FINANCING.—The Secretary shall not make a loan under this section with respect to a farm or ranch if the farm or ranch is to be acquired with other financing which contains any of the following conditions:

''(A) The financing, other than that provided by the Secretary under this section, is to be amortized over a period of less than 30 years.

''(B) A balloon payment will be due on the financing during the 10-year period beginning on the date the loan is to be made by the Secretary.

''(d) ADMINISTRATION.—The Secretary shall, to the maximum extent practicable—

''(1) facilitate the transfer of farms and ranches from retiring farmers and ranchers to persons eligible for insured loans under this subtitle;

''(2) make efforts to widely publicize the availability of loans under this section among—

''(A) potentially eligible recipients of such loans;

''(B) retiring farmers and ranchers; and

''(C) applicants for farm ownership loans under this subtitle;

''(3) encourage retiring farmers and ranchers to assist in the sale of their farms and ranches to eligible beginning farmers or ranchers by providing seller financing; and

''(4) coordinate the loan program established by this section with State programs that provide farm ownership or operating loans for beginning farmers.

''(e) ELIGIBLE BEGINNING FARMER OR RANCHER DEFINED.—As used in this section, the term 'eligible beginning farmer or rancher' means an individual—

''(1) who is eligible for assistance under this subtitle;

''(2) who has operated a farm or ranch for not less than 5 nor more than 10 years;

''(3)(A) in the case of an owner or operator of a farm or ranch, who, individually or with the immediate family of the owner or operator—

''(i) materially and substantially participates in the farm or ranch; and

''(ii) provides substantial day-to-day labor and management of the farm or ranch, consistent with the practices in the State or county in which the farm or ranch is located; and

''(B) in the case of an individual seeking to own or operate a farm or ranch, who, individually or with the immediate family of the individual, will—

''(i) materially and substantially participate in the farm or ranch; and

''(ii) provide substantial day-to-day labor and management of the farm or ranch, consistent with the practices in the State or county in which the farm or ranch is located;

''(4) who agrees to participate in such loan assessment, borrower training, and financial management programs as the Secretary may require;

''(5) who—

''(A) does not own land; or

''(B) directly or through interests in family farm corporations, owns land the aggregate acreage of which does not exceed 15 percent of the median acreage of the farms or ranches, as the case may be, in the county in which the individual is to obtain land is located, as reported in the most recent census of agriculture taken under section 142 of title 13, United States Code;

''(6) who demonstrates that the available resources of the individual and the spouse (if any) of the individual are not sufficient to enable the individual to continue farming or ranching on a viable scale; and

''(7) in the case of an individual whose application for assistance under section 318 has been approved by the Secretary, the individual meets the requirements of section 310F(b)(1).''.

(c) AVAILABILITY OF FARM OWNERSHIP LOANS AND LOAN GUARANTEES FOR CERTAIN BEGINNING FARMERS AND RANCHERS.—Subtitle A of such Act (7 U.S.C. 1922–1934) is amended by adding after the section added by subsection (b) of this section the following:

''SEC. 310F. AVAILABILITY OF FARM OWNERSHIP LOANS AND LOAN GUARANTEES FOR CERTAIN BEGINNING FARMERS AND RANCHERS.

''(a) ASSISTANCE PROHIBITED FOR A LIMITED PERIOD.—Except as otherwise provided in this section, if the Secretary approves the application of an individual for assistance under section 318, the Secretary may not make a loan under this subtitle to the individual or provide a guarantee under section 309(h) with respect to any farm real estate loan made to the individual.

''(b) AVAILABILITY OF DOWN PAYMENT LOANS.—After the applicable period, the Secretary may make an insured loan under this subtitle, or a down payment loan under section 310E, to an individual referred to in subsection (a) of this section if—

''(1) throughout the applicable period, the individual conducted an operation for which assistance is provided under section 318 in accordance with the plan contained in the application for such assistance;

''(2) the plan provides for such a loan; and

''(3) the individual is otherwise eligible for the loan.

''(c) AVAILABILITY OF LOAN GUARANTEES.—After the applicable period, the Secretary may guarantee under section 309(h) the repayment of a commercial or cooperative loan made to an individual referred to in subsection (a) of this section if—

''(1) throughout the applicable period, the individual conducted the operation for which assistance is provided under section 318 in accordance with the plan contained in the application for such assistance;

''(2) the plan provides for such a loan guarantee; and

''(3) the individual is otherwise eligible for the loan guarantee.

''(d) APPLICABLE PERIOD DEFINED.—As used in this section, the term 'applicable period' means—

''(1) in the case of an individual who, at the time the application referred to in this section was approved, had not operated a farm for more than 3 years, the first 5 years for which the individual is provided assistance under section 318; or

''(2) in any other case, the first 3 years for which the individual is provided assistance under section 318.''.

(d) TARGETING OF FUNDS.—

(1) FARM OPERATING LOANS FOR BEGINNING FARMERS AND RANCHERS.—Section 346(b) of such Act (7 U.S.C. 1994(b)) is amended by adding at the end the following:

''(5) In expending the following percentages of the funds available for insured operating loans under subtitle B for any fiscal year beginning after September 30, 1993, the Secretary shall, to the maximum extent practicable, give priority to making such loans under section 318:

''(A) Not less than 20 percent, for the first 6 months of fiscal year 1994.

''(B) Not less than 30 percent, for the first 6 months of each of fiscal years 1995 and 1996.

''(C) Not less than 40 percent, for the first 6 months of each of fiscal years 1997 and 1998.

''(D) Not less than 50 percent, for first 6 months of each of the succeeding fiscal years.''.

(2) FARM OWNERSHIP LOANS.—

(A) PERCENTAGE OF INSURED FARM OWNERSHIP LOAN FUNDS RESERVED FOR BEGINNING FARMERS OR RANCHERS.—Section 346(b)(3) of such Act (7 U.S.C. 1994(b)(3)) is amended by adding at the end the following:

''(D)(i) To the extent not inconsistent with an exercise of authority under section 355, not less than the applicable percentage of the amounts available for insured farm ownership loans for any fiscal year shall be for such loans to beginning farmers or ranchers.

''(ii) For purposes of clause (i), the term 'applicable percentage' means—

''(I) 50 percent, for the first 6 months of each of the fiscal years 1994 and 1995; and

''(II) 80 percent, for the first 6 months of each succeeding fiscal year.''.

(B) FUNDS RESERVED FOR DOWNPAYMENT LOAN PROGRAM.—Section 346(b)(3) of such Act (7 U.S.C. 1994(b)(3)) is amended by adding after the subparagraph added by subparagraph (A) of this paragraph the following:

''(E)(i) To the extent not inconsistent with an exercise of authority under section 355, not less than the applicable percentage of the amounts reserved for beginning farmers or ranchers under subparagraph (D) for any fiscal year shall be for downpayment loans under section 310E.

''(ii) For purposes of clause (i), the term 'applicable percentage' means—

''(I) 50 percent, for the first 6 months of each of the fiscal years 1994 and 1995; and

''(II) 80 percent, for the first 6 months of each succeeding fiscal year.''.

(C) CERTAIN UNOBLIGATED DOWNPAYMENT LOAN PROGRAM FUNDS AVAILABLE FOR ANY TYPE OF INSURED FARM OWNERSHIP LOANS FOR BEGINNING FARMERS AND RANCHERS.—Section 346(b)(3) of such Act (7 U.S.C. 1994(b)(3)) is amended by adding after the subparagraph added by subparagraph (B) of this paragraph the following:

''(F) To the extent not inconsistent with an exercise of authority under section 355, any funds reserved for downpayment loans under section 310E for a fiscal year by reason of subparagraph (E) of this paragraph that are not obligated by the end of the 2nd quarter of the fiscal year shall be available throughout the remainder of the fiscal year for any type of insured farm ownership loans, with priority to be given to beginning farmers and ranchers.''.

(3) PORTIONS OF FARM OWNERSHIP LOAN GUARANTEE FUNDS TARGETED TO BEGINNING FARMERS OR RANCHERS.—Section 346(b)(2) of such Act (7 U.S.C. 1994(b)(2)) is amended by adding at the end the following:

''Not less than 25 percent of the amounts appropriated for guarantees of farm ownership loans for each of the fiscal years 1994, 1995, 1996, and 1997 shall be available during the first 6 months of the respective fiscal year for guarantees of farm ownership loans to beginning farmers or ranchers.''.

(4) INTEREST RATE ASSISTANCE PROGRAM.—Section 346(b)(3) of such Act (7 U.S.C. 1994(b)(3)) is amended by adding after the subparagraphs added by paragraph (2) of this subsection the following:

''(G) Not less than 40 percent of the amounts available for the interest rate reduction program under section 351 shall be reserved for the first 6 months of each fiscal year for assistance to beginning farmers or ranchers.''.

SEC. 2102. PROCESSING OF APPLICATIONS FOR FARM OPERATING LOANS.

Section 333A(a)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1983a(a)(2)) is amended—

(1) by inserting ''(A)'' after ''(2)'';

(2) by inserting ''(other than under subtitle B)'' after ''under this title''; and

(3) by adding after and below the end the following new subparagraph:

''(B)(i) Within 10 calendar days after the Secretary receives an application for an operating loan or loan guarantee under subtitle B, the Secretary shall notify the applicant of any information required before a decision may be made on the application. Upon receipt of such an application, the Secretary shall request from other parties such information as may be needed in connection with the application.

''(ii) Within 15 calendar days after the date an agency of the Department of Agriculture receives a request for information made pursuant to clause (i), the agency shall provide the Farmers Home Administration with the requested information.

''(iii) If, within 20 calendar days after the date a request is made pursuant to clause (i) with respect to an application, the Farmers Home Administration has not received the information requested, the Farmers Home Administration county office shall notify the applicant, in writing, as to the outstanding information.

''(iv) A county office shall notify the district office of the Farmers Home Administration of each application for an operating loan or loan guarantee under subtitle B that is pending more than 45 calendar days after receipt by the Secretary, and the reasons therefor.

''(v) A district office that receives a notice provided under clause (iv) with respect to an application shall immediately take steps to ensure that final action is taken on the application within 15 calendar days after the date of the receipt of the notice.

''(vi) The district office shall notify the State office of the Farmers Home Administration of each application for an operating loan or loan guarantee under subtitle B that is pending more than 45 calendar days after receipt by the Secretary, and the reasons therefor.

''(vii) Each month, the Secretary shall notify the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, on a State-by-State basis, as to each application for an operating loan or loan guarantee under subtitle B on which final action had not been taken within 60 calendar days after receipt by the Secretary, and the reasons therefor.''.

SEC. 2103. TIME PERIOD WITHIN WHICH COUNTY COMMITTEE IS REQUIRED TO MEET TO CONSIDER APPLICATIONS FOR FARM OWNERSHIP AND OPERATING LOANS AND GUARANTEES AND BEGINNING FARMER PLANS.

Section 332 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1982) is amended—

(1) in subsection (c), by striking ''The committee'' and inserting ''Subject to subsection (e), the committee''; and

(2) by adding at the end the following:

''(e) The county committee shall meet to consider approval of an application received by the committee for a farm ownership or farm operating loan under this title, a guar-

antee under section 309(h), or a plan of farm operation under section 318, within—

''(1) 5 calendar days after receipt if at the time of the receipt there is at least 1 other such application or plan pending; or

''(2) 15 calendar days after receipt if at the time of the receipt there are no other such applications or plans pending.''.

SEC. 2104. DEBT SERVICE MARGIN REQUIREMENTS; CERTIFIED LENDER PROGRAM.

Section 339 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1989) is amended—

(1) by inserting ''(a)'' before ''The Secretary''; and

(2) by adding at the end the following:

''(b) Notwithstanding subsection (a), in providing farmer program loan guarantees under this title, the Secretary shall consider the income of the borrower adequate if the income is equal to or greater than the income necessary—

''(1) to make principal and interest payments on all debt obligations of the borrower, in a timely manner;

''(2) to cover the necessary family living expenses; and

''(3) to pay all other obligations and expenses of the borrower not financed through debt obligations referred to in paragraph (1), including expenses of replacing capital items (determined after taking into account depreciation of such items).

''(c) CERTIFIED LENDER PROGRAM.—

''(1) IN GENERAL.—The Secretary shall establish a program under which the Secretary shall guarantee loans (other than loans with respect to which a guarantee is provided under section 318) for any purpose specified in subtitle B that are made by lending institutions certified by the Secretary.

''(2) CERTIFICATION REQUIREMENTS.—The Secretary shall certify any lending institution that meets such criteria as the Secretary may prescribe in regulations, including the ability of the institution to properly make, service, and liquidate its loans.

''(3) CONDITION OF CERTIFICATION.—As a condition of such certification, the Secretary shall require the institution to undertake to service the loans guaranteed by the Secretary under this subsection using generally accepted banking standards concerning loan servicing employed by prudent commercial or cooperative lenders. The Secretary shall, at least annually, monitor the performance of each certified lender to ensure that the conditions of such certification are being met.

''(4) EFFECT OF CERTIFICATION.—Notwithstanding any other provision of law, the Secretary shall—

''(A) guarantee 80 percent of an approved loan made by a certified lending institution as described in paragraph (1), subject to county committee certification that the borrower meets the eligibility requirements or such other criteria as may be applicable to loans guaranteed by the Secretary under other provisions of this title;

''(B) permit certified lending institutions to make all decisions, with respect to loans to be guaranteed by the Secretary under this subsection, relating to creditworthiness and loan closing, and to accept appropriate certifications, as provided by regulations issued by the Secretary, that the borrower is in compliance with all requirements of law or regulations promulgated by the Secretary; and

''(C) be deemed to have guaranteed 80 percent of a loan made by a certified lending institution as described in paragraph (1), if the Secretary fails to approve or reject the application within 14 calendar days after the date that the lending institution presented the application to the Secretary. If the Secretary rejects the application within the 14-day period, the Secretary shall state, in writing, the reasons the application was rejected.''.

SEC. 2105. FEDERAL-STATE BEGINNING FARMER PARTNERSHIP.

(a) COORDINATION OF ASSISTANCE FOR ELIGIBLE BEGINNING FARMERS AND RANCHERS.—Section 309 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1929) is amended by adding at the end the following:

''(i)(1) Within 60 days after any State expresses to the Secretary, in writing, a desire to coordinate the provision of financial assistance to eligible beginning farmers and ranchers in the State, the Secretary and the State shall conclude a joint memorandum of understanding which shall govern how the Secretary and the State are to do so.

''(2) The memorandum of understanding shall provide that if a State beginning farmer program makes a commitment to provide an eligible beginning farmer or rancher (as defined in section 310E(e)) with financing to establish or maintain a viable farming or ranching operation, the Secretary shall, subject to applicable law, normal loan approval criteria, and the availability of funds, provide the farmer or rancher with—

''(A) a downpayment loan under section 310E;

''(B) a guarantee of the financing provided by the State program; or

''(C) such a loan and such a guarantee.

''(3) The Secretary may not charge any person any fee with respect to the provision of any guarantee under this subsection.

''(4) As used in paragraph (1), the term 'State beginning farmer program' means any program which is—

''(A) carried out by, or under contract with, a State; and

''(B) designed to assist persons in obtaining the financial assistance necessary to enter agriculture and establish viable farming or ranching operations.''.

(b) ADVISORY COMMITTEE.—

(1) ESTABLISHMENT; PURPOSE.—Within 18 months after the date of the enactment of this section, the Secretary of Agriculture shall establish an advisory committee, to be known as the ''Advisory Committee on Beginning Farmers and Ranchers'', which shall provide advice to the Secretary on—

(A) the development of the program of coordinated assistance to eligible beginning farmers and ranchers under section 309(i) of the Consolidated Farm and Rural Development Act;

(B) ways to maximize the number of new farming and ranching opportunities created through such program;

(C) ways to encourage States to participate in such program;

(D) the administration of such program; and

(E) other methods of creating new farming or ranching opportunities.

(2) MEMBERSHIP.—The Secretary shall appoint the members of the Advisory Committee which shall include representatives from the following:

(A) The Farmers Home Administration.

(B) State beginning farmer programs (as defined in section 309(i)(3) of the Consolidated Farm and Rural Development Act).

(C) Commercial lenders.

(D) Private nonprofit organizations with active beginning farmer or rancher programs.

(E) The Cooperative Extension Service.

(F) Community colleges or other educational institutions with demonstrated experience in training beginning farmers or ranchers.

(G) Other specialists in lending or technical assistance for beginning farmers and ranchers.

SEC. 2106. GRADUATION OF BORROWERS WITH OPERATING LOANS OR GUARANTEES TO PRIVATE COMMERCIAL CREDIT.

Subtitle B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1941–1947) is amended by adding after the section added by section 2101(a) of this Act the following:

''SEC. 319. GRADUATION OF BORROWERS ASSISTED UNDER THIS SUBTITLE TO PRIVATE COMMERCIAL CREDIT.

''(a) GRADUATION PLAN.—The Secretary shall establish a plan, in coordination with activities under sections 359, 360, 361, and 362, to encourage each borrower with an outstanding loan under this subtitle or with respect to whom there is an outstanding guarantee under this subtitle to graduate to private commercial or other sources of credit.

''(b) LIMITATION ON PERIOD FOR WHICH BORROWERS ARE ELIGIBLE FOR ASSISTANCE UNDER THIS SUBTITLE.—Notwithstanding any other provision of this subtitle:

''(1) GENERAL RULE.—Except as provided in paragraph (2), the Secretary may not—

''(A) make a loan to a borrower under this subtitle for any year after the 10th year for which such a loan is made to the borrower; or

''(B) guarantee for any year a loan made to the borrower for a purpose specified in this subtitle, after the 15th year for which loans under this subtitle are made to, or such a guarantee is provided with respect to, the borrower.

''(2) TRANSITION RULE.—If, as of the date of the enactment of this section, the Secretary has made loans to a borrower under this subtitle for 5 or more years, or has provided guarantees for 10 or more years with respect to 1 or more loans made to the borrower for a purpose specified in this subtitle, the Secretary may not make a loan to the borrower under this subtitle, or provide such a guarantee with respect to a loan made to the borrower for a purpose specified in this subtitle, after the 5th year occurring after such date of enactment for which a loan is made under this subtitle to, or such a guarantee is provided with respect to, the borrower.''.

SEC. 2107. SIMPLIFIED APPLICATION FOR GUARANTEED LOANS OF $50,000 OR LESS.

Section 333A of the Consolidated Farm and Rural Development Act (7 U.S.C. 1983a) is amended by adding at the end the following:

''(f)(1) The Secretary shall provide to lenders a short, simplified application form for guarantees under this title of loans the principal amount of which is $50,000 or less.

''(2) In developing the application, the Secretary shall—

''(A) consult with commercial and cooperative lenders; and

''(B) ensure that—

''(i) the form can be completed manually or electronically, at the option of the lender;

''(ii) the form minimizes the documentation required to accompany the form;

''(iii) the cost of completing and processing the form is minimal; and

''(iv) the form can be completed and processed in an expeditious manner.''.

SEC. 2108. TARGETING OF LOANS TO MEMBERS OF GROUPS WHOSE MEMBERS HAVE BEEN SUBJECTED TO GENDER PREJUDICE.

Section 355(e)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003(e)(1)) is amended by striking ''or ethnic'' and inserting '', ethnic, or gender''.

SEC. 2109. RECORDKEEPING OF LOANS BY BORROWER'S GENDER.

Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981–2008c) is amended by adding at the end the following:

''SEC. 369. RECORDKEEPING OF LOANS BY BORROWER'S GENDER.

''The Secretary shall classify, by gender, records of applicants for loans and guarantees under this title.''.

SEC. 2110. INCREASE IN PERIOD DURING WHICH COUNTY COMMITTEE LOAN ELIGIBILITY CERTIFICATION CONTINUES IN EFFECT.

Section 333(2)(A)(iii) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1983(2)(A)(iii)) is amended by striking ''2 years'' and inserting ''5 years''.

SEC. 2111. LIMITATION ON AGGREGATE INDEBTEDNESS.

Section 305 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1925) is amended by striking ''and 310D of this title'' and inserting ''310D, and 310E''.

SEC. 2112. GRADUATION OF SEASONED BORROWERS TO THE LOAN GUARANTEE PROGRAM.

Section 333A of the Consolidated Farm and Rural Development Act (7 U.S.C. 1983a) is amended by adding after the subsection added by section 2107 of this Act the following:

''(g) GRADUATION OF SEASONED BORROWERS TO THE LOAN GUARANTEE PROGRAM.—

''(1) IN GENERAL.—The Secretary shall annually review the operating loans made under section 312 to each seasoned borrower, and if, based on the review, the Secretary determines that the borrower is able to obtain a loan, guaranteed by the Secretary, from commercial or cooperative lenders at reasonable rates and terms, and for purposes and periods of time similar to those for which the operating loan was made to the borrower, then the borrower shall be ineligible to receive a new operating loan under section 312 for similar purposes, unless the borrower demonstrates to the Secretary that the borrower is unable to obtain such a guaranteed loan.

''(2) LISTING OF SEASONED BORROWERS.—Within 180 days after the date of the enactment of the Agricultural Credit Improvement Act of 1992, and annually thereafter, the Secretary may direct all county offices to make available to qualified lenders a listing of all seasoned borrowers, as provided in regulations issued by the Secretary.

''(3) QUALIFIED LENDERS.—Upon request and upon application for a guaranteed loan to a qualified lender, by a seasoned borrower, the Farmers Home Administration shall provide the lender with all current and past documentation relating to the approval and the continued compliance with the terms of the direct operating loan then held by the borrower.

''(4) INTEREST RATE.—To the extent necessary for the borrower to obtain a loan, guaranteed by the Secretary, from a commercial or cooperative lender, the Secretary shall provide interest rate reductions under section 351.

''(5) DEFINITIONS.—As used in this subsection:

''(A) SEASONED BORROWER.—The term 'seasoned borrower' means a borrower—

''(i) to whom a loan has been made under section 312; and

''(ii) who has maintained a satisfactory borrowing relationship with the Farmers Home Administration for at least 24 consecutive months.

''(B) QUALIFIED LENDER.—The term 'qualified lender' means a lender approved by the Secretary under—

''(i) the approved lender program established by exhibit A to subpart B of part 1980 of title 7, Code of Federal Regulations, January 1, 1991, edition;

''(ii) the certified lender program established under section 339(c); or

''(iii) any program that is a successor to either of such programs.''.

SEC. 2113. DEADLINE FOR ISSUANCE OF REGULATIONS.

Not later than September 30, 1993, the Secretary of Agriculture shall issue interim final regulations to implement the amendments made by this subtitle.

Subtitle B—Amendments to the Farm Credit Act of 1971

SEC. 2201. VALUATION OF RESERVES OF PRODUCTION CREDIT ASSOCIATIONS.

Section 2.3(b) of the Farm Credit Act of 1971 (12 U.S.C. 2074(b)) is amended to read as follows:

''(b) APPLICATION OF EARNINGS.—At the end of each fiscal year, each production credit association shall apply the amount of the earnings of the association for the fiscal year in excess of the operating expenses of the association (including provision for valuation of reserves against loan assets in accordance with generally accepted accounting principles)—

''(1) first to the restoration of the impairment (if any) of capital; and

''(2) second, to the establishment and maintenance of the surplus accounts, the minimum aggregate amount of which shall be prescribed by the Farm Credit Bank.''.

SEC. 2202. ELIMINATION OF AUTHORITY OF FARM CREDIT SYSTEM INSURANCE CORPORATION TO APPOINT NONVOTING MEMBER OF FARM CREDIT SYSTEM FUNDING CORPORATION BOARD.

Section 4.9(d)(2) of the Farm Credit Act of 1971 (12 U.S.C. 2160(d)(2)) is amended—

(1) in the paragraph heading, by striking ''REPRESENTATIVES'' and inserting ''REPRESENTATIVE'';

(2) by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B); and

(3) in subparagraph (B), as so redesignated, by striking ''persons'' and all that follows through ''Insurance Corporation'' and inserting ''person so designated''.

SEC. 2203. EXPANSION OF WATER AND SEWER LENDING AUTHORITY OF BANKS FOR COOPERATIVES.

Section 3.7(f) of the Farm Credit Act of 1971 (12 U.S.C. 2128(f)) is amended—

(1) by striking ''the installation, expansion, or improvement of'' and inserting ''installing, maintaining, expanding, improving, or operating''; and

(2) by striking ''to extend'' and inserting ''extending''.

SEC. 2204. EQUITY VOTING FOR ONE DIRECTOR OF EACH BANK FOR COOPERATIVES.

Section 3.2(a) of the Farm Credit Act of 1971 (12 U.S.C. 2123(a)) is amended by inserting '', and, notwithstanding section 3.3(d), the bylaws may provide for 1 director to be elected on the basis of 1 vote for each share of voting stock of the bank'' before the period.

SEC. 2205. PER DIEM COMPENSATION OF BANK DIRECTORS.

(a) IN GENERAL.—Section 4.21 of the Farm Credit Act of 1971 (12 U.S.C. 2209) is amended to read as follows:

''SEC. 4.21. COMPENSATION OF DIRECTORS.

''Each member of the board of directors of a System bank may receive compensation only for days during the year in which engaged in the performance of duties of such a director, and in an amount not exceeding $300 for each such day, adjusted annually to reflect any increase in the cost of living since the end of 1991, as determined under regulations prescribed by the Farm Credit Administration.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 1993.

SEC. 2206. FREQUENCY OF EXAMINATIONS OF SYSTEM INSTITUTIONS.

Section 5.19(a) of the Farm Credit Act of 1971 (12 U.S.C. 2254(a)) is amended by striking the 1st and 2nd sentences and inserting ''Not less frequently than once every 3 years, Farm Credit Administration examiners shall examine each institution of the Farm Credit System at such times as the Farm Credit Administration Board may determine.''.

SEC. 2207. AUTHORITY TO EXAMINE SYSTEM INSTITUTIONS.

(a) AUTHORITY OF FARM CREDIT SYSTEM INSURANCE CORPORATION.—Section 5.59(b) of the Farm Credit Act of 1971 (12 U.S.C. 2277a–8(b)) is amended to read as follows:

''(b) EXAMINATION OF SYSTEM INSTITUTIONS.—

''(1) EXAMINATION AUTHORITY.—

''(A) IN GENERAL.—If the Board of Directors deems it necessary to examine an insured System bank, a production credit association, an association making direct loans under the authority provided under section 7.6, or any System institution in receivership, the Board may, using Farm Credit Administration examiners, conduct the examination using reports and other information on the System institution prepared or held by the Farm Credit Administration.

''(B) REQUEST FOR ADDITIONAL EXAMINATION OR OTHER INFORMATION.—If the Board determines that such reports or information are not adequate to enable the Corporation to carry out the duties of the Corporation under this part, the Board shall request the Farm Credit Administration to examine or to obtain other information from or about the System institution and provide to the Corporation the resulting examination report or such other information.

''(2) APPOINTMENT OF EXAMINERS.—If the Farm Credit Administration informs the Corporation that the Farm Credit Administration is unable to comply with a request made under paragraph (1)(B) with respect to a System institution, the Board may appoint examiners to examine the institution.

''(3) POWERS AND REPORT.—Each examiner appointed under paragraph (2) shall make such examination of the affairs of the System institution as the Board may direct, and shall make a full and detailed report of the examination to the Corporation.

''(4) APPOINTMENT OF CLAIM AGENTS.—The Board of Directors of the Corporation shall appoint claim agents who may investigate and examine all claims for insured obligations.''.

(b) DUTIES OF THE FARM CREDIT ADMINISTRATION.—Section 5.19 of such Act (12 U.S.C. 2254) is amended by adding at the end the following:

''(d) Upon receipt of a request made under section 5.59(b)(1)(B) with respect to a System institution, the Farm Credit Administration shall—

''(1) furnish for the confidential use of the Corporation reports of examination of the institution and other reports or information on the institution; and

''(2)(A) examine, or obtain other information on, the institution and furnish for the confidential use of the Corporation the report of the examination and such other information, or

''(B) if the Farm Credit Administration Board determines that compliance with the request would substantially impair the ability of the Farm Credit Administration to carry out the other duties and responsibilities of the Farm Credit Administration under this Act, notify the Board of Directors of the Farm Credit System Insurance Corporation that the Farm Credit Administration will be unable to comply with the request.''.

SEC. 2208. REPEAL OF PROHIBITION AGAINST GUARANTEE OF CERTAIN INSTRUMENTS OF INDEBTEDNESS.

Section 4.16 of the Farm Credit Act of 1971 (12 U.S.C. 2204) is hereby repealed.

SEC. 2209. CLARIFICATION OF TREATMENT OF FARM CREDIT ADMINISTRATION OPERATING EXPENSES.

Section 5.15(b)(1) of the Farm Credit Act of 1971 (12 U.S.C. 2250(b)(1)) is amended—

(1) by inserting '', for purposes of sequestration,'' after ''regard''; and

(2) by striking ''or any other law''.

SEC. 2210. APPROVAL OF COMPETITIVE CHARTERS.

Section 5.17(a) of the Farm Credit Act of 1971 (12 U.S.C. 2252(a)) is amended by adding at the end the following:

''(13)(A) Subject to subparagraph (B), the Farm Credit Administration may approve an amendment to the charter of any institution of the Farm Credit System operating under title I or II, which would authorize the institution to exercise lending authority in any territory—

''(i) in the geographic area served by an association that was reassigned pursuant to section 433 of the Agricultural Credit Act of 1987 (where such geographic area was a part of the association's territory as of the date of such reassignment); and

''(ii) in which the charter of an institution that is not seeking the charter amendment authorizes such institution to exercise the type of lending authority that is the subject of the charter request.

''(B) The Farm Credit Administration may approve a charter amendment under subparagraph (A) only upon the approval of—

''(i) the respective boards of directors of the associations that, if the charter request is approved, would exercise like lending authority in any of the territory that is the subject of the charter request;

''(ii) a majority of the stockholders of each association described in clause (i) voting, in person or by proxy, at a duly authorized stockholders' meeting; and

''(iii) the respective boards of directors of the Farm Credit Banks which, if the charter request is approved, would exercise, either directly or through associations, like lending authority in any of the territory described in subparagraph (A)(i).

''(14)(A) Subject to subparagraph (B), the Farm Credit Administration may approve a request to charter an association of the Farm Credit System to operate under title II where the proposed charter—

''(i) will include any of the geographic area included in the territory served by an association that was reassigned pursuant to section 433 of the Agricultural Credit Act of 1987 (where such geographic area was a part of the association's territory as of the date of such reassignment); and

''(ii) will authorize the association to exercise lending authority in any territory in such geographic area in which the charter of an association that is not requesting the charter authorizes such association to exercise the type of lending authority that is the subject of the charter request.

''(B) The Farm Credit Administration may approve a charter request under subparagraph (A) only upon the approval of—

''(i) the respective boards of directors of the associations that, if the charter request is approved, would exercise like lending authority in any of the territory that is the subject of the charter request;

''(ii) a majority vote of the stockholders (if any) of each association described in clause (i) voting, in person or by proxy, at a duly authorized stockholder's meeting; and

''(iii) the respective boards of directors of the Farm Credit Banks which, if the charter request is approved, would exercise, either directly or through associations, like lending authority in any of the territory described in subparagraph (A)(i).''.

Subtitle C—Technical Corrections

SEC. 2301. TECHNICAL CORRECTIONS.

(a) CORRECTION OF REFERENCE TO SECTION 1236 OF THE FOOD SECURITY ACT OF 1985.—Title I of the Department of the Interior and Related Agencies Appropriations Act, 1991 is amended, in the item designated ''CONSTRUCTION AND ANADRONOMOUS FISH'' under the heading ''UNITED STATES FISH AND WILDLIFE SERVICE'', by striking ''title 16 U.S.C. section 3832(a)(6)'' and inserting ''section 1232(a)(6) of the Food Security Act of 1985 (16 U.S.C. 3832(a)(6))''.

(b) SECTION 1245(b) OF THE FOOD SECURITY ACT OF 1985.—

(1) CORRECTION.—Section 1245(b) of the Food Security Act of 1985 (16 U.S.C. 3845(b)) is amended by striking ''(A) through (G)'' and inserting ''A through G''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) of this subsection shall take effect immediately after section 1443 of the Food, Agriculture, Conservation, and Trade Act of 1990 took effect.

(c) SECTION 307(a)(6)(B) OF THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT.—

(1) CORRECTION.—Section 307(a)(6)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1927(a)(6)(B)) is amended by striking clause (ii), and by redesignating clauses (iii) through (viii) as clauses (ii) through (vii), respectively.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) of this subsection shall take effect at the same time as the amendments made by subsection (a) of section 501 of the Food, Agriculture, Conservation, and Trade Act Amendments of 1991 took effect.

(d) SECTION 310D(a) OF THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT.—

(1) CORRECTION.—Section 310D(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1934(a)) is amended by striking ''304(d)(1)'' and inserting ''304(a)(1)''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) of this subsection shall take effect at the same time as the amendments made by subsection (a) of section 501 of the Food, Agriculture, Conservation, and Trade Act Amendments of 1991 took effect.

(e) SECTION 312(a) OF THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT.—

(1) REPLACEMENT OF UNEXECUTABLE AMENDMENT MADE BY THE FOOD, AGRICULTURE, CONSERVATION, AND TRADE ACT OF 1990.—

(A) CORRECTION.—Section 1818(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (P.L. 101–624; 104 Stat. 3830) is amended to read as follows:

''(b) OPERATING LOAN PURPOSES.—The first sentence of section 312(a) (7 U.S.C. 1942(a)) is amended—

''(1) by striking 'and' at the end of clause (11); and

''(2) by inserting ', and (13) borrower training under section 359' before the period at the end.''.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall take effect as if included in the Food, Agriculture, Conservation, and Trade Act of 1990 at the time such Act became law.

(2) REPEAL OF UNEXECUTABLE AMENDMENT MADE BY THE FOOD, AGRICULTURE, CONSERVATION, AND TRADE ACT AMENDMENTS OF 1991.—Subsection (b) of section 501 of the Food, Agriculture, Conservation, and Trade Act Amendments of 1991 (P.L. 102–237; 105 Stat. 1866) is hereby repealed, and the Consolidated Farm and Rural Development Act shall be applied and administered as if such subsection had never become law.

(f) AMENDMENTS TO SECTION 331E OF THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT.—

(1) CORRECTION.—Section 331E of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981e) is amended—

(A) in subsection (a), by striking ''Disaster Relief Act of 1974'' and inserting ''the Robert T. Stafford Disaster Relief and Emergency Assistance Act''; and

(B) in subsection (b), by inserting ''Robert T. Stafford'' before ''Disaster Relief''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) of this subsection shall take effect immediately after subsection (d) of section 501 of the Food, Agriculture, Conservation, and Trade Act Amendments of 1991 took effect.

(g) SECTION 335(e)(1)(A)(i) OF THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT.—

(1) CORRECTIONS TO AMENDMENT MADE BY THE FOOD, AGRICULTURE, CONSERVATION, AND TRADE ACT AMENDMENTS OF 1991.—Paragraph (1) of section 501(f) of the Food, Agriculture, Conservation, and Trade Act Amendments of 1991 (P.L. 102–237; 105 Stat. 1867) is amended—

(A) by inserting ''the 1st place such term appears'' before ''and all that follows''; and

(B) by striking ''borrower-owner (as defined in subparagraph (F)'' and inserting ''the borrower-owner (as defined in subparagraph (F))''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) of this subsection shall take effect immediately after subsection (f) of section 501 of the Food, Agriculture, Conservation, and Trade Act of 1990 took effect.

(h) SECTION 352(a) OF THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT.—Section 352(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2000(a)) is amended by redesignating the second paragraph (4) as paragraph (5).

(i) SECTION 352(b)(2) OF THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT.—

(1) CORRECTION.—Section 352(b)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2000(b)(2)) is amended by striking ''borrower's'' and inserting ''borrower-owner's''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) of this subsection shall take effect at the same time as the amendments made by subsection (f) of section 501 of the Food, Agriculture, Conservation, and Trade Act Amendments of 1991 took effect.

(j) SECTION 702(h)(2) OF THE FOOD, AGRICULTURE, CONSERVATION, AND TRADE ACT AMENDMENTS OF 1991.—Section 702(h)(2) of the Food, Agriculture, Conservation, and Trade Act Amendments of 1991 (P.L. 102–237; 105 Stat. 1881) is amended by inserting ''section'' before ''2388(h)(3)''.

(k) SECTION 306C(b)(1) OF THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT.—Section 306C(b)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926c(b)(1)) is amended by striking ''or connecting such systems to the residences of such individuals'' and inserting '', connecting such systems to the residences of such individuals, or installing plumbing and fixtures within the residences of such individuals to facilitate the use of the water supply and waste disposal systems''.

(l) SECTION 306C OF THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT.—Section 306C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926c) is amended by adding at the end the following:

''(f) Within 30 days after the date of the enactment of this subsection, the Secretary shall issue interim final regulations, with a request for public comments, implementing this section.''.

Subtitle D—Effective Date

SEC. 2401. EFFECTIVE DATE.

Except as otherwise provided in this title, the amendments and repeal made by this title shall take effect on the date of the enactment of this Act.

TITLE III—RURAL ELECTRIFICATION ADMINISTRATION IMPROVEMENT ACT OF 1992

SEC. 3001. SHORT TITLE.

This title may be cited as the ''Rural Electrification Administration Improvement Act of 1992''.

SEC. 3002. DISCOUNTED LOAN PREPAYMENT.

(a) IN GENERAL.—Subsection (a) of section 306B of the Rural Electrification Act of 1936

(7 U.S.C. 936b(a)) is amended to read as follows:

''(a) DISCOUNTED PREPAYMENT BY BORROWERS OF ELECTRIC LOANS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), a direct or insured loan made under this Act shall not be sold or prepaid at a value that is less than the outstanding principal balance on the loan.

''(2) EXCEPTION.—On request of the borrower, an electric loan made under this Act, or a portion thereof, that was advanced before May 1, 1992, or has been advanced for not less than 2 years, shall be sold to or prepaid by the borrower at the lesser of—

''(A) the outstanding principal balance on the loan; or

''(B) the loan's present value discounted from the face value at maturity at the rate established by the Administrator.

''(3) DISCOUNT RATE.—The discount rate applicable to the prepayment under this subsection of a loan or loan advance shall be the then current cost of funds to the Department of the Treasury for obligations of comparable maturity to the remaining term of the loan.

''(4) TAX EXEMPT FINANCING.—If a borrower prepays a loan under this subsection using tax exempt financing, the discount shall be adjusted to ensure that the borrower receives a benefit that is equal to the benefit the borrower would receive if the borrower used fully taxable financing. The borrower shall certify in writing whether the financing will be tax exempt and shall comply with such other terms and conditions as the Administrator may establish that are reasonable and necessary to carry out this subsection.

''(5) ELIGIBILITY.—

''(A) IN GENERAL.—A borrower that has prepaid an insured or direct loan shall remain eligible for assistance under this Act in the same manner as other borrowers, except that—

''(i) a borrower that has prepaid a loan, either before or after the date of the enactment of this subsection, at a discount rate as provided by paragraph (3), shall not be eligible, except at the discretion of the Administrator, to apply for or receive direct or insured loans under this Act for 60 months after the prepayment; and

''(ii) a borrower that prepaid a loan before such date of enactment at a discount rate greater than that provided by paragraph (3), shall not be eligible—

''(I) except at the discretion of the Administrator, to apply for or receive such direct or insured loans until 120 months after the date of the prepayment; or

''(II) to apply for or receive such direct or insured loans until the borrower has repaid to the Federal Government the sum of—

''(aa) the amount (if any) by which the discount the borrower received by reason of the prepayment exceeds the discount the borrower would have received had the discount been based on the cost of funds to the Department of the Treasury at the time of the prepayment; and

''(bb) interest on the amount described in item (aa), for the period beginning on the date of the prepayment and ending on the date of the repayment, at a rate equal to the average annual cost of borrowing by the Department of the Treasury.

In cases where a borrower and the Administrator have entered into an agreement with respect to a prepayment occurring before such date of enactment, this paragraph shall supersede any provision in the agreement relating to the restoration of eligibility for loans under this Act.

''(B) DISTRIBUTION BORROWERS.—A distribution borrower not in default on the repayment of loans made or insured under this Act shall be eligible for discounted prepayment as provided in this subsection. For the purpose of determining eligibility for discounted prepayment under this subsection or eligibility for assistance under this Act, a default by a borrower from which a distribution borrower purchases wholesale power shall not be considered a default by the distribution borrower.

''(6) DEFINITIONS.—As used in this subsection:

''(A) DIRECT LOAN.—The term 'direct loan' means a loan made under section 4.

''(B) INSURED LOAN.—The term 'insured loan' means a loan made under section 305.''.

(b) CONFORMING AMENDMENT.—Section 306B(b) of such Act (7 U.S.C. 936b(b)) is amended by striking ''(b) Notwithstanding'' and inserting the following:

''(b) MERGERS OF ELECTRIC BORROWERS.—Notwithstanding''.

SEC. 3003. REPEAL OF SECTION 412.

Section 412 of the Rural Electrification Act of 1936 (7 U.S.C. 950b) is hereby repealed.

SEC. 3004. REPEAL OF SECTION 311.

Section 311 of the Rural Electrification Act of 1936 (7 U.S.C. 940a) is hereby repealed.

SEC. 3005. GRANTS TO ENABLE PROVIDERS OF HEALTH CARE AND EDUCATIONAL SERVICES IN RURAL AREAS TO IMPLEMENT INTERACTIVE TELECOMMUNICATIONS SYSTEMS.

(a) FINDINGS.—The Congress finds that—

(1) interactive telecommunications systems hold the potential to alleviate many of the problems rural Americans face in obtaining access to adequate health care and expanded educational services; and

(2) access to such systems by providers of health care services and educational institutions in rural areas would greatly increase their ability to provide more comprehensive health care and education to rural, underserved populations.

(b) GRANT PROGRAM.—Subtitle D of title XXIII of the Food, Agriculture, Conservation, and Trade Act of 1990 is amended by adding at the end the following:

''CHAPTER 3—IMPROVEMENT OF HEALTH CARE SERVICES AND EDUCATIONAL SERVICES THROUGH TELECOMMUNICATIONS

''SEC. 2338. GRANT PROGRAM.

''(a) ESTABLISHMENT.—The Administrator of the Rural Electrification Administration (in this chapter referred to as the 'Administrator') shall establish a program for providing grants to any qualified consortium to assist the consortium in obtaining access to modern interactive telecommunications systems through the public switched network.

''(b) DEFINITIONS.—

''(1) QUALIFIED CONSORTIUM.—As used in this chapter, the term 'qualified consortium' means a consortium which—

''(A) provides health care services or educational services in a rural area of a qualified State; and

''(B) is composed of—

''(i) a tertiary care facility, rural referral center, or medical teaching institution, or an educational institution accredited by the State;

''(ii) any number of institutions that provide health care services or educational services; and

''(iii)(I) in the case of a consortium seeking a grant under this chapter to improve health care services, not less than 3 rural hospitals, clinics, community health centers, migrant health centers, local health departments, or similar facilities; or

''(II) in the case of a consortium seeking a grant under this chapter to improve educational services, not less than 3 educational institutions accredited by the State.

''(2) QUALIFIED STATE.—The term 'qualified State' means a State which has adopted, within 1 year after the date final regulations are prescribed to carry out this chapter, a plan for the upgrading and modernization of the rural telecommunications infrastructure of the State which, among other things—

''(A) provides for the elimination of party line service in rural areas of the State;

''(B) encourages and improves the use of telecommunications, computer networks, and related advanced technologies to provide educational and medical benefits to people in rural areas of the State;

''(C) provides for an enhancement in the quality and availability of educational opportunities for students in rural areas of the State;

''(D) provides for improvement in the quality of medical care provided, and access to medical care afforded, to people in rural areas of the State;

''(E) provides incentives for local telephone exchange carriers to improve the quality of telephone service and access to advanced telecommunications services for subscribers in rural areas of the State, including facsimile document transmission, multifrequency tone signaling services, interactive audio and video transmissions, voicemail services, and other telecommunications services;

''(F) provides for the full participation of rural areas in the modernization of the telecommunications network through the implementation of joint coordinated network planning, design, and cooperative implementation among all local telephone exchange carriers in the provision of public switched network infrastructure and services;

''(G) provides for the achievement, preservation, and enhancement of universal service by bringing reasonably priced, high-quality, advanced telecommunications network capabilities to the people of the rural areas of the State, including through the sharing of public switched network infrastructure and functionality by local telephone exchange carriers at the request of local telephone exchange carriers lacking economies of scale or scope to provide such infrastructure or functionality on their own;

''(H) provides for the achievement of such goals within 10 years after the adoption of the plan; and

''(I) does not alter the boundaries of any local telephone exchange company franchised service area designated or recognized by the State, or the equivalent in the State.

''(3) RURAL AREA.—The term 'rural area' has the meaning given such term in section 203(b) of the Rural Electrification Act of 1936.

''(4) TELEPHONE SERVICE.—The term 'telephone service' has the meaning given such term in section 203(a) of the Rural Electrification Act of 1936.

''(c) SELECTION OF GRANT RECIPIENTS.—

''(1) APPLICATION REQUIREMENT.—

''(A) IN GENERAL.—Any qualified consortium that provides services in a State and desires to obtain a grant under this chapter shall submit to a State agency designated by the Governor of the State an application in such form, containing such information and assurance, and at such time, as the Administrator may require.

''(B) CONTENTS OF APPLICATION.—The application shall contain or be accompanied by—

''(i) a copy of the State plan described in subsection (b)(2);

''(ii) the plan of the applicant, for obtaining access to interactive telecommunications systems, which—

''(I) specifies, consistent with subsection (f), the uses to be made of such systems;

''(II) demonstrates that the systems will be capable of being readily connected to the established public switched network; and

''(III) is compatible with the State plan; and

''(iii) a commitment by the State to make a grant to the applicant in an amount equal to 20 percent of the funds required to carry out the plan of the applicant, conditional upon a commitment by the Administrator to make 1 or more grants to the applicant under this chapter in an amount equal to 80 percent of the funds required to carry out the plan of the applicant.

''(2) REVIEW AND COMMENT.—The State agency shall review the application and the applicant's plan and, after any revisions made by the applicant are incorporated, transmit to the Administrator the application and plans, and the comments of the State agency.

''(3) SELECTION OF GRANTEES.—The Administrator shall—

''(A) review the applications and plans transmitted pursuant to paragraph (2);

''(B) consider the comments of the State agency with respect to the application; and

''(C) make grants in accordance with paragraph (4) to each applicant therefor that complies with the requirements of this chapter and the regulations prescribed by the Administrator to carry out this chapter.

''(4) PRIORITIES.—Priority for grants under this chapter shall—

''(A) be accorded to applicants whose applications demonstrate—

''(i) the greatest likelihood of successfully and efficiently carrying out the activities described in subsection (f)(1);

''(ii) the participation of the local telephone exchange carrier in providing and operating the telecommunications transmission facilities required by the plan; and

''(iii) unconditional financial support from the local community; and

''(B) so as to ensure, to the extent possible, that various regions of the United States benefit from the use of the grants.

''(d) MAXIMUM AMOUNT OF GRANT.—The amount of each grant under this chapter shall not exceed $1,500,000.

''(e) DISTRIBUTION OF GRANTS.—Grants to any qualified consortium under this chapter shall be disbursed over a period of not more than 3 years.

''(f) USE OF FUNDS.—

''(1) IN GENERAL.—Grants under this chapter may be used to support the costs of activities involving the sending and receiving of information to improve health care services or educational services in rural areas, including—

''(A) in the case of grants to improve health care services—

''(i) consultations between health care providers;

''(ii) transmitting and analyzing x-rays, lab slides, and other images;

''(iii) developing and evaluating automated claims processing, and transmitting automated patient records; and

''(iv) developing innovative health professions education programs;

''(B) in the case of grants to improve educational services—

''(i) developing innovative education programs and expanding curriculum offerings;

''(ii) providing continuing education to all members of the community;

''(iii) providing the means for libraries of educational institutions or public libraries to share resources;

''(iv) providing the public with access to State and national data bases;

''(v) conducting town meetings; and

''(vi) covering meetings of agencies of State government; and

''(C) in all cases—

''(i) transmitting financial information; and

''(ii) such other related activities as the Administrator deems to be consistent with the purposes of this chapter.

''(2) LIMITATION ON ACQUISITION OF INTERACTIVE TELECOMMUNICATIONS EQUIPMENT.—Not more than 40 percent of the amount of any grant made under this chapter may be used to acquire interactive telecommunications end user equipment.

''(3) LIMITATION ON USE OF CONSULTANTS.—Not more than 5 percent of the amount of any grant made under this chapter may be used to employ or contract with any consultant or similar person.

''(4) PROHIBITIONS.—Grants made under this chapter may not be used, in whole or in part, to establish or operate a telecommunications network or to provide any telecommunications service for hire.

''(g) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—

''(1) GRANTS TO IMPROVE RURAL HEALTH CARE SERVICES.—For grants under this chapter to improve health care services, there are authorized to be appropriated to the Administrator not to exceed $30,000,000 for each fiscal year.

''(2) GRANTS TO IMPROVE RURAL EDUCATIONAL SERVICES.—For grants under this chapter to improve educational services, there are authorized to be appropriated to the Administrator not to exceed $20,000,000 for each fiscal year.

''(3) AVAILABILITY OF FUNDS.—Sums appropriated pursuant to this subsection are authorized to remain available until expended.''.

(c) ELIMINATION OF PREFERENCE FOR RURAL TELEPHONE BANK LOANS FOR BORROWERS LOCATED IN STATES WITH PLANS FOR UPGRADING RURAL TELECOMMUNICATIONS INFRASTRUCTURE.—Section 408(b)(2) of the Rural Electrification Act of 1936 (7 U.S.C. 948(b)(2)) is amended by inserting ''which is not located in a qualified State (as defined in section 2338(b)(2) of the Food, Agriculture, Conservation, and Trade Act of 1990)'' after ''any borrower''.

SEC. 3006. INCREASE IN LIMITATION ON POPULATION OF RURAL AREAS FOR PURPOSES OF TELEPHONE LOANS.

(a) IN GENERAL.—Section 203(b) of the Rural Electrification Act of 1936 (7 U.S.C. 924(b)) is amended by striking ''one thousand five hundred'' and inserting ''10,000''.

(b) CONFORMING AMENDMENT.—Section 13 of such Act (7 U.S.C. 913) is amended by inserting ''(except in title II)'' before ''shall be deemed to mean any area''.

SEC. 3007. SENSE OF THE CONGRESS.

It is the sense of the Congress that persons who are eligible for telephone loans under the Rural Electrification Act of 1936 and are interested in upgrading telecommunications in rural areas should obtain financial assistance under such Act through a subsidiary in order to limit the assets subject to the lien requirements of such Act.

SEC. 3008. REGULATIONS.

Within 180 days after the date of the enactment of this Act, the Administrator of the Rural Electrification Administration and the Governor of the Rural Telephone Bank shall prescribe such regulations as may be necessary to carry out the amendments made by this title.

TITLE IV—PERISHABLE AGRICULTURAL COMMODITIES ACT TECHNICAL AMENDMENTS OF 1992

SEC. 4001. SHORT TITLE.

This title may be cited as the ''Perishable Agricultural Commodities Act Technical Amendments of 1992''.

SEC. 4002. REAFFIRMATION OF FINDINGS.

Congress hereby reaffirms the findings of section 5(c)(1) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499(c)(1)) that a burden on commerce in perishable agricultural commodities is caused by financing arrangements under which commission merchants, dealers, or brokers, who have not made payment for perishable agricultural commodities purchased, contracted to be purchased, or otherwise handled by them on behalf of another person, encumber or give lenders a security interest in, such commodities, or on inventories of food or other products derived from such commodities or products, and any receivables or proceeds from the sale of such commodities or products, and that such arrangements are contrary to the public interest; and that section 5(c) of such Act is intended to remedy such burden on commerce in perishable agricultural commodities and to protect the public interest.

SEC. 4003. TECHNICAL AMENDMENT.

Section 5(c)(2) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499e(c)(2)) is amended to read as follows:

''(2) Perishable agricultural commodities received by a commission merchant, dealer, or broker in all transactions, and all inventories of food or other products derived from perishable agricultural commodities, and any receivables or proceeds from the sale of such commodities or products, shall be held in trust by such commission merchant, dealer, broker, or by a lender who finances the business operations of such a commission merchant, dealer, or broker, whether or not the lender holds a security interest in such trust assets, for the benefit of all unpaid suppliers or sellers of such commodities or agents involved in the transaction, until full payment of the sums owing in connection with such transactions has been received by such unpaid suppliers, sellers, or agents. Payment shall not be considered to have been made if the supplier, seller, or agent receives a payment instrument which has been dishonored. The provisions of this subsection shall not apply to transactions between a cooperative association (as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)), and its members.''.

TITLE V—EQUITABLE TREATMENT FOR SUGARCANE PRODUCERS

SEC. 5001. EQUITABLE TREATMENT FOR PRODUCERS.

Section 359f(b)(5) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359ff(b)(5)) (hereinafter referred to as ''the 1938 Act''), is amended by striking subparagraph (B) and inserting the following:

''(B) DETERMINATION OF VIOLATION.—No producer shall be considered to have violated subparagraph (A) unless the processor of the sugarcane harvested by such producer from acreage in excess of the proportionate share of the farm markets an amount of sugar that exceeds the allocation of such processor for a fiscal year.

''(C) CIVIL PENALTY.—Any producer on a farm who violates subparagraph (A) by knowingly harvesting, or allowing to be harvested, an acreage of sugarcane in excess of the farm's proportionate share shall be liable to the Commodity Credit Corporation for a civil penalty equal to one and one-half times the United States market value of the quantity of sugar that is marketed by the processor of such sugarcane in excess of the allocation of such processor for the fiscal year. The Secretary shall prorate penalties imposed under this subparagraph in a fair and equitable manner among all the producers of sugarcane harvested from excess acreage that is acquired by such processor.''.

SEC. 5002. ADJUSTMENT AFTER DISASTER.

Section 359f(b) of the 1938 Act, as amended by section 5001 of this Act, is further amended by inserting after paragraph (6) the following new paragraph:

''(7) ADJUSTMENTS.—Whenever the Secretary determines that, because of a natural disaster or other condition beyond the control of producers that adversely affects a crop of sugarcane subject to proportionate

shares, the amount of sugarcane produced by producers subject to the proportionate shares will not be sufficient to enable processors in the State to meet the State's cane sugar allotment and provide a normal carryover inventory of sugar, the Secretary may uniformly allow producers to harvest an amount of sugarcane in excess of their proportionate share, or suspend proportionate shares entirely, as necessary to enable processors to meet the State allotment and provide a normal carryover inventory of sugar.''.

SEC. 5003. CLARIFYING AND CONFORMING AMENDMENTS.

Section 359f(b) of the 1938 Act, as amended by sections 5001 and 5002 of this Act, is further amended—

(1) in paragraph (1)(B), by—

(A) striking ''production of sugar'' and inserting ''production of sugarcane''; and

(B) inserting ''of sugar'' before the period at the end;

(2) in the first sentence of paragraph (2), by—

(A) striking ''sugar processed from all crops by all processors'' and inserting ''sugarcane produced by producers in the area''; and

(B) inserting ''of sugar'' after ''provide a normal carryover inventory''; and

(3) in the second sentence of paragraph (2), by inserting ''paragraph (7) and'' after ''under''.

TITLE VI—USE OF ELECTRONIC COTTON WAREHOUSE RECEIPTS

SEC. 6001. USE OF ELECTRONIC COTTON WAREHOUSE RECEIPTS.

Section 17 of the United States Warehouse Act (7 U.S.C. 259) is amended—

(1) in paragraph (1)(A) of subsection (c)—

(A) by striking ''The Secretary of Agriculture, or'' and inserting ''Notwithstanding any other provisions of State or Federal law, the Secretary of Agriculture, or'';

(B) by striking ''licensed under this Act'' and inserting ''licensed under this Act or in any other warehouse'';

(C) by striking ''section 18'' and inserting ''section 18 or under any applicable State law'';

(2) in paragraph (2)(A) of subsection (c), by striking ''of this Act'' and inserting ''of this Act or State law'';

(3) in paragraph (2)(B) of subsection (c), by striking ''the Secretary may'' and inserting ''with respect to cotton stored in a warehouse licensed under this Act, the Secretary may'';

(4) in paragraph (3) of subsection (c), by striking ''licensed under this Act'' and inserting ''covered under this subsection''; and

(5) by adding the following new subsection at the end thereof:

''(e) Notwithstanding any other provision of State or Federal law, any person designated as a holder of an electronic cotton warehouse receipt on a record in a system of records applicable to cotton maintained on an electronic cotton warehouse receipt system approved by the Secretary of Agriculture pursuant to regulations issued under this section shall, for the purposes of perfecting the security interest of such person under State or Federal law with respect to the cotton covered by such warehouse receipt, be considered to be in possession of the warehouse receipt. This subsection is applicable to electronic cotton warehouse receipts covering cotton stored in a cotton warehouse, whether or not such warehouse is licensed under this Act.''.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. MCNULTY, announced that the yeas had it.

So the bill was passed.

On motion of Mr. DE LA GARZA, by unanimous consent, the bill of the Senate (S. 1709) to amend the Farm Credit Act of 1971 to enhance the financial safety and soundness of the Farm Credit System, and for other purposes; was taken from the Speaker's table.

When said bill was considered and read twice.

Mr. DE LA GARZA submitted the following amendment, which was agreed to:

Strike out all after the enacting clause and insert a text consisting of the provisions of H.R. 3298, H.R. 4906, H.R. 5237, H.R. 5741, H.R. 5763, and H.R. 5764, as passed by the House.

The bill, as amended, was ordered to be read a third time, was read a third time by title, and passed.

By unanimous consent, the title was amended so as to read: ''An Act to enhance the financial safety and soundness of the banks and associations of the Farm Credit System.''.

A motion to reconsider the votes whereby said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said amendments.

By unanimous consent, H.R. 3298, a similar House bill, was laid on the table.

¶111.16 APPOINTMENT OF CONFEREES—H.R. 5006

The SPEAKER pro tempore, Mr. MCNULTY, by unanimous consent, announced the Speaker's appointment of the following Members as managers on the part of the House to the conference with the Senate on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5006) to authorize appropriations for fiscal year of 1993 for military functions of the Department of Defense, to prescribe military personnel levels for fiscal year 1993, and for other purposes:

From the Committee on Armed Services, for consideration of the House bill, and the Senate amendment, and modifications committed to conference: Messrs. ASPIN, BENNETT, MONTGOMERY, and DELLUMS, Mrs. SCHROEDER, Mrs. BYRON, Messrs. MAVROULES, HUTTO, SKELTON, MCCURDY, FOGLIETTA, and HERTEL, Mrs. LLOYD, Messrs. SISISKY, RAY, SPRATT, ORTIZ, DARDEN, PICKETT, LANCASTER, EVANS, BILBRAY, TANNER, MCNULTY, BROWDER, DICKINSON, SPENCE, STUMP, HOPKINS, DAVIS, HUNTER, MARTIN, KASICH, BATEMAN, BLAZ, IRELAND, HANSEN, WELDON, KYL, RAVENEL, and DORNAN of California;

As additional conferees from the Permanent Select Committee on Intelligence, for matters within the jurisdiction of that committee under clause 2 of rule XLVIII: Mrs. KENNELLY, Mr. GLICKMAN, and Mr. SHUSTER;

As additional conferees from the Committee on Banking, Finance and Urban Affairs, for consideration of sections 1071, and 4501–02 of the House bill, and sections 838, 1092, 1093, 1094, and 1094B of the Senate amendment, and modifications committed to conference: Mr. CARPER, Mr. LAFALCE, Ms. OAKAR, and Messrs. VENTO, KANJORSKI, RIDGE, PAXON, and HANCOCK;

As additional conferees from the Committee on Education and Labor, for consideration of sections 3161–62, 4301–13, 4321–25, 4401, 4404–05, and 4607 of the House bill, and sections 333, 344, 531, 532, 804, 814(e), 1060, 1065, 1082–85, 1099E, 1301–07, and 3151–53 of the Senate amendment, and modifications committed to conference: Messrs. FORD of Michigan, CLAY, KILDEE, WILLIAMS, PERKINS, GOODLING, and GUNDERSON, and Mrs. ROUKEMA;

As additional conferees from the Committee on Energy and Commerce, for consideration of sections 321, 370, 1071, and 3161 of the House bill, and sections 313–17, 319–20, 824, 838, 1205, 2851–55, 2861, 3132, 3135, 3141, 315152, and 3201 of the Senate amendment, and modifications committed to conference: Messrs. DINGELL, SWIFT, and SHARP, Mrs. COLLINS of Illinois, and Messrs. ECKART, LENT, RITTER, and MOORHEAD;

Provided, Mr. DANNEMEYER is appointed in lieu of Mr. MOORHEAD solely for consideration of sections 370 and 3161 of the House bill and section 3152 of the Senate amendment;

Mr. MCMILLAN of North Carolina is appointed in lieu of Mr. MOORHEAD solely for consideration of section 1071 of the House bill and sections 824 and 838 of the Senate amendment;

Mr. SCHAEFER is appointed in lieu of Mr. MOORHEAD solely for consideration of sections 2851–55 of the Senate amendment;

As additional conferees from the Committee on Foreign Affairs, for consideration of sections 146, 175, 204, 233, 234, 241, 304, 324, 365–68, 1031, 1033, 1056, 1057, 1059–60, 1064–65, 1067, 1069–70, 1101–06, 3132, and 3141–45 of the House bill, and sections 112, 223, 304, 361–62, 828, 836, 908, 921–22, 1041, 1043, 1050, 1055, 1057, 1061, 1063, 106667, 1071–73, 107576, 1091, 1093, 1094A–1094F, 1101–32, 1201–12, and 1401–08 of the Senate amendment, and modifications committed to conference: Messrs. FASCELL, HAMILTON, YATRON, SOLARZ, BERMAN, BROOMFIELD, GILMAN, and LAGOMARSINO;

Provided, that solely for consideration of section 1091 of the Senate amendment, Mr. GEJDENSON is appointed in lieu of Mr. FASCELL, and solely for consideration of sections 1201–12 of the Senate amendment, Mr. TORRICELLI is appointed in lieu of Mr. HAMILTON;

As additional conferees from the Committee on Government Operations, for consideration of sections 313, 374(f), 640, 814, 819, 821, 1002, and 2823 of the House bill, and sections 1003, 1048(f), and 2841 of the Senate amendment, and modifications committed to conference: Mr. CONYERS, Mrs. COLLINS of Illinois, and Messrs. TOWNS, THORNTON,

PETERSON of Minnesota, HORTON, KYL, and CLINGER;

As additional conferees from the Committee on the Judiciary, for consideration of section 374 (d) and (f), 531, 819, and 1060(a) of the House bill, and sections 1046, 1047, 1048 (d) and (f), and 3137 of the Senate amendment, and modifications committed to conference: Messrs. BROOKS, FRANK of Massachusetts, SYNAR, FISH, and GEKAS;

As additional conferees from the Committee on the Judiciary, for consideration of sections 838(e) and 1062 of the Senate amendment, and modifications committed to conference: Messrs. BROOKS, EDWARDS of California, CONYERS, HYDE, and COBLE;

As additional conferees from the Committee on the Judiciary, for consideration of section 1068 of the House bill, and modifications committed to conference: Messrs. BROOKS, MAZZOLI, BERMAN, MCCOLLUM, and SMITH of Texas;

As additional conferees from the Committee on the Judiciary, for consideration of section 922 of the Senate amendment, and modifications committed to conference: Messrs. BROOKS, SCHUMER, HUGHES, SENSENBRENNER, and SCHIFF;

As additional conferees from the Committee on Merchant Marine and Fisheries, for consideration of sections 536, 1013, 1016(b), 1017, 1019, 1021, 2837, and 3501–04 of the House bill, and sections 612(b), 1021–23, 1045, 1053, 1206, 2837, 2851–55, 3103(e), and 3501–05 of the Senate amendment, and modifications committed to conference: Messrs. STUDDS, HUBBARD, HUGHES, TAUZIN, LIPINSKI, YOUNG of Alaska, FIELDS, and LENT;

As additional conferees from the Committee on Post Office and Civil Service, for consideration of sections 531, 924(a), 1060(a), 1201–06, 1301, 4401, and 4601–06 of the House bill, and sections 341–48, 539, 809(b), 1044–45, 1058(a), 1074, that portion of section 1082 that adds a new section 195H to the National and Community Service Act of 1990, 1099D, 1306 of the Senate amendment, and modifications committed to conference: Mr. CLAY, Ms. OAKAR, and Messrs. SIKORKSI, ACKERMAN, KANJORSKI, GILMAN, HORTON, and MYERS of Indiana;

As additional conferees from the Committee on Public Works and Transportation, for consideration of sections 4101–06 and 4501–02 of the House bill, and sections 313–17, 320, and 332 of the Senate amendment, and modifications committed to conference: Messrs. ROE, MINETA, NOWAK, KOLTER, HAYES of Louisiana, HAMMERSCHMIDT, and SHUSTER;

Provided, that solely for consideration of sections 4101–06 and 4501–02 of the House bill, and section 332 of the Senate amendment, Mrs. BENTLEY is appointed; and solely for consideration of sections 313–17 and 320 of the Senate amendment, Mr. PETRI is appointed;

As additional conferees from the Committee on Science, Space, and Technology, for consideration of sections 241, 4105, 4201–03, and 4206 of the House bill, and sections 204, 801–06, 809, 810A, 837, 839, 1112, 3139, and 3141 of the Senate amendment, and modifications committed to conference: Messrs. BROWN, VALENTINE, and MINETA, Ms. HORN, and Messrs. BACCHUS, WALKER, LEWIS of Florida, and PACKARD;

As additional conferees from the Committee on Small Business, for consideration of section 4204 of the House bill, and sections 807, 811, 815, and 1032 of the Senate amendment, and modifications committed to conference: Mr. LAFALCE, Mr. SMITH of Iowa, and Mrs. MEYERS of Kansas;

As additional conferees from the Committee on Veterans' Affairs, for consideration of sections 641–42 and 4351–68 of the House bill, and sections 536, 538, 549, and 551 of the Senate amendment, and modifications committed to conference: Messrs. PENNY, APPLEGATE, and SMITH of New Jersey;

As additional conferees from the Committee on Ways and Means, for consideration of section 4607 of the House bill, and modifications committed to conference: Messrs. ROSTENKOWSKI, GIBBONS, PICKLE, RANGEL, STARK, ARCHER, CRANE, and VANDER JAGT; and

As additional conferees from the Committee on Ways and Means, for consideration of sections 1404–05 of the Senate amendment, and modifications committed to conference: Messrs. ROSTENKOWSKI, GIBBONS, JENKINS, DOWNEY, PEASE, ARCHER, CRANE, and VANDER JAGT.

By unanimous consent, the Speaker reserved the authority to make additional appointments of conferees and to specify particular portions of the House bill and Senate amendment as the subjects of the various appointments.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶111.17 PROVIDING FOR THE CONSIDERATION OF H.R. 5754

Mr. MOAKLEY, by direction of the Committee on Rules, called up the following resolution (H. Res. 570):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 5754) to provide for the conservation and development of water and related resources, to authorize the United States Corps of Engineers Civil Works Program to construct various projects for improvements to the Nation's infrastructure, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 8 of rule XXI are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation. After general debate the bill shall be considered for amendment under the five-minute rule for a period not to exceed four hours. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Public Works and Transportation now printed in the bill, modified by the amendments printed in part 1 of the report of the Committee on Rules accompanying this resolution. The committee amendment in the nature of a substitute, as modified, shall be considered as read. Points of order against the committee amendment in the nature of a substitute, as modified, for failure to comply with clause 7 of rule XVI or clause 5(a) of rule XXI are waived. It shall be in order to consider the amendment printed in part 2 of the report if offered by Representative Fazio of California or Representative Matsui of California or their designee. Points of order against the amendment printed in part 2 of the report for failure to comply with clause 7 of rule XVI are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute, as modified. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

On motion of Mr. MOAKLEY, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. MCNULTY, announced that the yeas had it.

Mr. DOOLITTLE objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas ..... 269 / Nays 141

¶111.18 [Roll No. 414]

YEAS—269

Abercrombie	Coleman (TX)	Fazio
Alexander	Collins (IL)	Feighan
Anderson	Collins (MI)	Flake
Andrews (ME)	Cooper	Ford (MI)
Andrews (NJ)	Costello	Ford (TN)
Andrews (TX)	Cox (IL)	Frank (MA)
Annunzio	Coyne	Frost
Anthony	Cramer	Gaydos
Applegate	Darden	Gejdenson
Aspin	Davis	Gephardt
Bacchus	de la Garza	Geren
Beilenson	DeFazio	Gibbons
Bennett	DeLauro	Gilman
Berman	Dellums	Glickman
Bevill	Derrick	Gonzalez
Bilbray	Dicks	Gordon
Boehlert	Dingell	Hall (OH)
Bonior	Dixon	Hall (TX)
Borski	Donnelly	Hamilton
Brewster	Dorgan (ND)	Hammerschmidt
Brooks	Downey	Harris
Browder	Durbin	Hatcher
Brown	Dwyer	Hayes (IL)
Bruce	Early	Hefner
Bryant	Eckart	Hertel
Bustamante	Edwards (CA)	Hoagland
Byron	Edwards (TX)	Hochbrueckner
Campbell (CO)	Emerson	Horn
Cardin	Engel	Horton
Carper	English	Hoyer
Carr	Erdreich	Hubbard
Chapman	Espy	Huckaby
Clay	Evans	Hughes
Clement	Fascell	Hutto

Hyde
Jacobs
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Livingston
Lloyd
Long
Lowey (NY)
Luken
Manton
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDade
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (OH)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Moran
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Poshard
Price
Pursell
Rahall
Rangel
Ravenel
Ray
Reed
Richardson
Rinaldo
Roe
Roemer
Ros-Lehtinen
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Savage
Sawyer
Scheuer
Schroeder
Schulze
Schumer
Serrano
Sharp
Shaw
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Spence
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron
Young (AK)

NAYS—141

Allard
Allen
Archer
Armey
Atkins
Baker
Ballenger
Barrett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehner
Broomfield
Bunning
Burton
Callahan
Camp
Campbell (CA)
Coble
Coleman (MO)
Combest
Condit
Coughlin
Cox (CA)
Crane
Cunningham
Dannemeyer
DeLay
Dickinson
Dooley
Doolittle
Dornan (CA)
Dreier
Duncan
Ewing
Fawell
Fields
Fish
Franks (CT)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gingrich
Goodling
Goss
Gradison
Grandy
Green
Gunderson
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Houghton
Hunter
Inhofe
James
Johnson (TX)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Leach
Lehman (CA)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lowery (CA)
Machtley
Marlenee
Martin
McCandless
McCollum
McCrery
McEwen
McMillan (NC)
Meyers
Michel
Miller (CA)
Miller (WA)
Molinari
Moorhead
Morella
Nichols
Nussle
Oxley
Packard
Paxon
Petri
Porter
Quillen
Ramstad
Regula
Rhodes
Ridge
Riggs
Ritter
Roberts
Rogers
Rohrabacher
Roth
Roukema
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shays
Smith (OR)
Smith (TX)
Snowe
Solomon
Stearns
Stump
Sundquist
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vucanovich
Walker
Walsh
Weber
Weldon
Wolf
Wylie
Young (FL)
Zeliff
Zimmer

NOT VOTING—22

Ackerman
AuCoin
Barnard
Blackwell
Boucher
Boxer
Chandler
Clinger
Conyers
Dymally
Edwards (OK)
Foglietta
Guarini
Hayes (LA)
Ireland
Jones
Mavroules
McGrath
Penny
Shuster
Solarz
Vander Jagt

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶111.19 WATER RESOURCES DEVELOPMENT

The SPEAKER pro tempore, Mr. MCNULTY, pursuant to House Resolution 570 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 5754) to provide for the conservation and development of water and related resources, to authorize the United States Army Corps of Engineers civil works program to construct various projects for improvements to the Nation's infrastructure, and for other purposes.

The SPEAKER pro tempore, Mr. MCNULTY, by unanimous consent, designated Mr. MURPHY as Chairman of the Committee of the Whole; and after some time spent therein,

¶111.20 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. PETRI:

Strike paragraph (3) of section 101 of the bill, relating to American River Watershed, California, and redesignate subsequent paragraphs of such section accordingly.

It was decided in the affirmative ..... { Yeas ..... 273 / Nays 140

¶111.21 [Roll No. 415]

AYES—273

Abercrombie
Ackerman
Allard
Allen
Andrews (ME)
Andrews (NJ)
Applegate
Archer
Armey
Atkins
Bacchus
Baker
Ballenger
Barrett
Barton
Beilenson
Bentley
Bereuter
Berman
Bilirakis
Bliley
Boehlert
Boehner
Boxer
Brewster
Broomfield
Browder
Bruce
Bryant
Bunning
Burton
Callahan
Camp
Campbell (CA)
Carper
Carr
Clinger
Coble
Coleman (MO)
Cooper
Coughlin
Cox (CA)
Cox (IL)
Cramer
Crane
Cunningham
Dannemeyer
Darden
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dickinson
Dicks
Dixon
Donnelly
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Eckart
Edwards (CA)
English
Erdreich
Evans
Ewing
Fawell
Fields
Fish
Ford (MI)
Franks (CT)
Gallegly
Gejdenson
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodling
Gordon
Goss
Gradison
Grandy
Green
Gunderson
Hamilton
Hancock
Hansen
Harris
Hastert
Hefley
Henry
Herger
Hoagland
Hobson
Hochbrueckner
Holloway
Hopkins
Houghton
Hubbard
Hughes
Hunter
Hutto
Hyde
Inhofe
Jacobs
James
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jontz
Kasich
Kennedy
Kennelly
Kildee
Klug
Kolbe
Kostmayer
Kyl
Lagomarsino
Lantos
LaRocco
Leach
Lent
Levin (MI)
Levine (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Livingston
Lloyd
Long
Lowey (NY)
Luken
Machtley
Markey
Marlenee
Martin
Martinez
McCandless
McCloskey
McCollum
McCurdy
McDermott
McEwen
McGrath
McMillan (NC)
McMillen (MD)
Meyers
Michel
Miller (CA)
Miller (WA)
Mineta
Mink
Molinari
Montgomery
Moody
Moorhead
Morella
Morrison
Murphy
Neal (MA)
Neal (NC)
Nichols
Nussle
Oakar
Oberstar
Olver
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (VA)
Pease
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickle
Porter
Pursell
Rahall
Ramstad
Ravenel
Ray
Reed
Rhodes
Richardson
Ridge
Riggs
Ritter
Roberts
Roemer
Rohrabacher
Ros-Lehtinen
Roth
Rowland
Russo
Sanders
Sangmeister
Sawyer
Saxton
Schaefer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Sikorski
Skaggs
Skeen
Slattery
Slaughter
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Studds
Stump
Sundquist
Swett
Synar
Tallon
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Vucanovich
Walker
Walsh
Washington
Waxman
Weldon
Williams
Wolf
Wolpe
Wyden
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—140

Anderson
Andrews (TX)
Annunzio
Anthony
Aspin
Bateman
Bennett
Bevill
Bilbray
Borski
Boucher
Brooks
Brown
Bustamante
Byron
Cardin
Chapman
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Costello
Coyne
Davis
de la Garza
Dingell
Durbin
Dwyer
Early
Edwards (TX)
Emerson
Engel
Espy
Fascell
Fazio
Feighan
Flake
Ford (TN)
Frank (MA)
Frost
Gallo
Gaydos
Gephardt
Geren
Gibbons
Gonzalez
Guarini
Hall (OH)
Hall (TX)
Hammerschmidt
Hatcher
Hefner
Hertel
Horn
Horton
Hoyer
Huckaby
Jefferson
Jenkins
Kanjorski
Kaptur
Kleczka
Kolter
Kopetski
LaFalce
Lancaster
Laughlin
Lehman (CA)
Lehman (FL)
Lewis (CA)
Lipinski
Lowery (CA)
Manton
Matsui
Mavroules
Mazzoli
McDade
McHugh
McNulty
Mfume
Miller (OH)
Moakley
Mollohan
Moran
Mrazek
Murtha
Myers
Nagle
Natcher
Nowak
Obey
Olin
Ortiz
Pastor
Payne (NJ)
Perkins
Pickett
Poshard
Price
Quillen
Rangel
Regula
Rinaldo
Roe
Rogers
Rose
Rostenkowski
Roukema
Roybal
Sabo
Sarpalius

Savage	Tanner	Volkmer
Scheuer	Thomas (GA)	Waters
Shuster	Thornton	Wheat
Sisisky	Torres	Whitten
Skelton	Torricelli	Wilson
Smith (FL)	Towns	Wise
Smith (IA)	Traficant	Yates
Stokes	Traxler	Yatron
Swift	Visclosky	

NOT VOTING—19

Alexander	Conyers	Jones
AuCoin	Dymally	McCrery
Barnard	Edwards (OK)	Penny
Blackwell	Foglietta	Santorum
Bonior	Hayes (IL)	Weber
Campbell (CO)	Hayes (LA)	
Chandler	Ireland	

So the amendment was agreed to.
After some further time,

¶111.22 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. BURTON:

At the end of title II of the bill, insert the following new section:

SEC. 227. annual obligation ceilings.

Section 901 of the Water Resources Development Act of 1986 (100 Stat. 4183) is amended by inserting after paragraph (5) the following new paragraphs:

''(6) For the fiscal year ending September 30, 1992, the sum of $1,800,000,000.

''(7) For the fiscal year ending September 30, 1993, the sum of $1,800,000,000.

''(8) For the fiscal year ending September 30, 1994, the sum of $1,800,000,000.''.

Conform the table of contents of the bill accordingly.

It was decided in the negative ..... { Yeas ..... 104 / Nays 303

¶111.23 [Roll No. 416]

AYES—104

Allen	Gekas	Oxley
Andrews (TX)	Gingrich	Packard
Archer	Glickman	Porter
Armey	Goodling	Ramstad
Atkins	Goss	Rhodes
Baker	Hancock	Ritter
Ballenger	Hastert	Roberts
Barrett	Hefley	Roemer
Barton	Henry	Rohrabacher
Bereuter	Holloway	Roth
Bilirakis	Houghton	Sarpalius
Boehner	Hunter	Schaefer
Broomfield	Hutto	Schiff
Burton	Jacobs	Sensenbrenner
Byron	James	Shays
Callahan	Johnson (TX)	Slattery
Camp	Jontz	Smith (OR)
Campbell (CA)	Kennedy	Smith (TX)
Coble	Klug	Snowe
Combest	Kolbe	Solomon
Condit	Kostmayer	Stearns
Cooper	Kyl	Stenholm
Cox (CA)	Lewis (FL)	Stump
Crane	Marlenee	Swett
Cunningham	McCollum	Taylor (NC)
Dannemeyer	McDade	Thomas (CA)
DeLay	McEwen	Thomas (WY)
Dickinson	McMillan (NC)	Upton
Dornan (CA)	Meyers	Vucanovich
Dreier	Michel	Walker
Duncan	Miller (OH)	Weldon
Ewing	Miller (WA)	Wolf
Fawell	Moorhead	Young (FL)
Fields	Nichols	Zimmer
Franks (CT)	Orton	

NOES—303

Abercrombie	Bacchus	Bonior
Ackerman	Bateman	Borski
Alexander	Beilenson	Boucher
Anderson	Bennett	Brewster
Andrews (ME)	Bentley	Brooks
Andrews (NJ)	Berman	Browder
Annunzio	Bevill	Brown
Anthony	Bilbray	Bruce
Applegate	Bliley	Bryant
Aspin	Boehlert	Bunning
Bustamante	Jenkins	Pickett
Cardin	Johnson (CT)	Poshard
Carper	Johnson (SD)	Price
Carr	Johnston	Pursell
Chapman	Kanjorski	Quillen
Clay	Kaptur	Rahall
Clement	Kasich	Rangel
Clinger	Kennelly	Ravenel
Coleman (MO)	Kildee	Ray
Coleman (TX)	Kleczka	Reed
Collins (IL)	Kolter	Regula
Collins (MI)	Kopetski	Richardson
Costello	LaFalce	Ridge
Coughlin	Lagomarsino	Riggs
Cox (IL)	Lancaster	Rinaldo
Coyne	Lantos	Roe
Cramer	LaRocco	Rogers
Darden	Laughlin	Ros-Lehtinen
Davis	Leach	Rose
de la Garza	Lehman (CA)	Rostenkowski
DeFazio	Lent	Roukema
DeLauro	Levin (MI)	Rowland
Dellums	Levine (CA)	Roybal
Derrick	Lewis (CA)	Russo
Dicks	Lewis (GA)	Sabo
Dingell	Lightfoot	Sanders
Dixon	Lipinski	Sangmeister
Donnelly	Livingston	Santorum
Dooley	Lloyd	Savage
Doolittle	Long	Sawyer
Dorgan (ND)	Lowery (CA)	Saxton
Downey	Lowey (NY)	Scheuer
Durbin	Luken	Schroeder
Dwyer	Machtley	Schulze
Early	Manton	Schumer
Eckart	Markey	Serrano
Edwards (CA)	Martin	Sharp
Edwards (TX)	Martinez	Shaw
Emerson	Matsui	Shuster
Engel	Mavroules	Sikorski
English	Mazzoli	Sisisky
Erdreich	McCandless	Skaggs
Espy	McCrery	Skeen
Evans	McCurdy	Skelton
Fascell	McDermott	Slaughter
Fazio	McHugh	Smith (FL)
Feighan	McMillen (MD)	Smith (IA)
Fish	McNulty	Smith (NJ)
Flake	Mfume	Solarz
Ford (MI)	Miller (CA)	Spence
Ford (TN)	Mineta	Spratt
Frank (MA)	Mink	Staggers
Frost	Moakley	Stallings
Gallegly	Molinari	Stark
Gallo	Mollohan	Stokes
Gaydos	Montgomery	Studds
Gejdenson	Moody	Sundquist
Gephardt	Moran	Swift
Geren	Morella	Synar
Gibbons	Morrison	Tallon
Gilchrest	Mrazek	Tanner
Gillmor	Murphy	Tauzin
Gilman	Murtha	Taylor (MS)
Gonzalez	Myers	Thomas (GA)
Gordon	Nagle	Thornton
Gradison	Natcher	Torres
Grandy	Neal (MA)	Torricelli
Green	Neal (NC)	Towns
Guarini	Nowak	Traficant
Gunderson	Nussle	Traxler
Hall (OH)	Oakar	Unsoeld
Hall (TX)	Oberstar	Valentine
Hamilton	Obey	Vander Jagt
Hammerschmidt	Olver	Visclosky
Hansen	Ortiz	Volkmer
Harris	Owens (NY)	Walsh
Hayes (IL)	Owens (UT)	Washington
Herger	Pallone	Waters
Hertel	Panetta	Waxman
Hoagland	Parker	Weber
Hobson	Pastor	Wheat
Hochbrueckner	Patterson	Whitten
Hopkins	Paxon	Williams
Horn	Payne (NJ)	Wise
Hoyer	Payne (VA)	Wolpe
Hubbard	Pease	Wyden
Huckaby	Pelosi	Wylie
Hughes	Perkins	Yates
Hyde	Peterson (FL)	Yatron
Inhofe	Peterson (MN)	Young (AK)
Jefferson	Petri	Zeliff

NOT VOTING—25

Allard	Conyers	Horton
AuCoin	Dymally	Ireland
Barnard	Edwards (OK)	Jones
Blackwell	Foglietta	Lehman (FL)
Boxer	Hatcher	McCloskey
Campbell (CO)	Hayes (LA)	
Chandler	Hefner	
McGrath	Penny	Vento
Olin	Pickle	Wilson

So the amendment was not agreed to.
After some further time,

¶111.24 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. BURTON:

On Page 42, line 15, strike section 103 (Visitor Centers) through page 46, line 16, and renumber the sections accordingly.

It was decided in the negative ..... { Yeas ..... 125 / Nays 282

¶111.25 [Roll No. 417]

AYES—125

Allard	Gilchrest	Neal (NC)
Allen	Gilman	Nichols
Andrews (ME)	Glickman	Orton
Andrews (TX)	Goodling	Oxley
Archer	Goss	Patterson
Armey	Hall (TX)	Porter
Baker	Hamilton	Ramstad
Ballenger	Hancock	Ravenel
Barrett	Hansen	Regula
Barton	Hastert	Rhodes
Bereuter	Hefley	Ritter
Bilirakis	Henry	Roberts
Bliley	Holloway	Roemer
Boehner	Hopkins	Rohrabacher
Broomfield	Hubbard	Ros-Lehtinen
Bunning	Hunter	Roth
Burton	Inhofe	Schaefer
Camp	Jacobs	Schiff
Campbell (CA)	James	Sensenbrenner
Carper	Johnson (TX)	Shays
Coble	Jontz	Slattery
Combest	Kasich	Smith (OR)
Condit	Kennedy	Smith (TX)
Cox (IL)	Klug	Snowe
Crane	Kolbe	Solomon
Cunningham	Kostmayer	Stearns
Dannemeyer	Kyl	Stenholm
DeLay	Lagomarsino	Stump
Dickinson	Leach	Sundquist
Dooley	Lewis (FL)	Swett
Dornan (CA)	Marlenee	Taylor (NC)
Dreier	McCollum	Thomas (CA)
Duncan	McCrery	Thomas (WY)
English	McCurdy	Upton
Ewing	McEwen	Walker
Fawell	McMillan (NC)	Weber
Fields	Meyers	Weldon
Fish	Michel	Wolf
Frank (MA)	Miller (OH)	Wylie
Franks (CT)	Miller (WA)	Young (FL)
Gallegly	Moorhead	Zimmer
Gekas	Morella	

NOES—282

Abercrombie	Chapman	Emerson
Ackerman	Clay	Engel
Alexander	Clement	Erdreich
Anderson	Clinger	Espy
Andrews (NJ)	Coleman (MO)	Evans
Annunzio	Coleman (TX)	Fascell
Anthony	Collins (IL)	Fazio
Applegate	Collins (MI)	Flake
Aspin	Cooper	Ford (MI)
Atkins	Costello	Ford (TN)
Bacchus	Coughlin	Frost
Bateman	Coyne	Gallo
Beilenson	Cramer	Gaydos
Bennett	Darden	Gejdenson
Bentley	Davis	Gephardt
Berman	de la Garza	Geren
Bevill	DeFazio	Gibbons
Bilbray	DeLauro	Gillmor
Boehlert	Dellums	Gingrich
Bonior	Derrick	Gonzalez
Borski	Dicks	Gordon
Boucher	Dingell	Gradison
Brewster	Dixon	Grandy
Brooks	Donnelly	Green
Browder	Doolittle	Guarini
Brown	Dorgan (ND)	Gunderson
Bruce	Downey	Hall (OH)
Bryant	Durbin	Hammerschmidt
Bustamante	Dwyer	Harris
Byron	Early	Hayes (IL)
Callahan	Eckart	Hefner
Cardin	Edwards (CA)	Herger
Carr	Edwards (TX)	Hertel

Hoagland	Molinari	Sarpalius
Hobson	Mollohan	Savage
Hochbrueckner	Montgomery	Sawyer
Horn	Moody	Saxton
Houghton	Moran	Scheuer
Hoyer	Morrison	Schroeder
Huckaby	Mrazek	Schumer
Hughes	Murphy	Serrano
Hutto	Murtha	Sharp
Hyde	Myers	Shaw
Jefferson	Nagle	Shuster
Jenkins	Natcher	Sikorski
Johnson (CT)	Neal (MA)	Sisisky
Johnson (SD)	Nowak	Skaggs
Johnston	Nussle	Skeen
Kanjorski	Oakar	Skelton
Kaptur	Oberstar	Slaughter
Kennelly	Obey	Smith (FL)
Kildee	Olver	Smith (IA)
Kleczka	Ortiz	Smith (NJ)
Kolter	Owens (NY)	Solarz
Kopetski	Owens (UT)	Spence
LaFalce	Packard	Spratt
Lancaster	Pallone	Staggers
Lantos	Panetta	Stallings
LaRocco	Parker	Stark
Laughlin	Pastor	Stokes
Lehman (CA)	Paxon	Studds
Lent	Payne (NJ)	Swift
Levin (MI)	Payne (VA)	Synar
Levine (CA)	Pease	Tallon
Lewis (CA)	Pelosi	Tanner
Lewis (GA)	Perkins	Tauzin
Lightfoot	Peterson (FL)	Taylor (MS)
Lipinski	Peterson (MN)	Thomas (GA)
Livingston	Petri	Thornton
Lloyd	Pickett	Torres
Long	Pickle	Torricelli
Lowery (CA)	Poshard	Towns
Lowey (NY)	Price	Traficant
Luken	Pursell	Traxler
Machtley	Quillen	Unsoeld
Manton	Rahall	Valentine
Markey	Rangel	Vento
Martin	Ray	Visclosky
Martinez	Reed	Volkmer
Matsui	Richardson	Walsh
Mavroules	Ridge	Washington
Mazzoli	Riggs	Waters
McCandless	Rinaldo	Waxman
McCloskey	Roe	Wheat
McDade	Rogers	Whitten
McDermott	Rose	Williams
McHugh	Rostenkowski	Wilson
McMillen (MD)	Roukema	Wise
McNulty	Rowland	Wolpe
Mfume	Russo	Wyden
Miller (CA)	Sabo	Yates
Mineta	Sanders	Yatron
Mink	Sangmeister	Young (AK)
Moakley	Santorum	Zeliff

NOT VOTING—25

AuCoin	Edwards (OK)	McGrath
Barnard	Feighan	Olin
Blackwell	Foglietta	Penny
Boxer	Hatcher	Roybal
Campbell (CO)	Hayes (LA)	Schulze
Chandler	Horton	Vander Jagt
Conyers	Ireland	Vucanovich
Cox (CA)	Jones	
Dymally	Lehman (FL)	

So the amendment was not agreed to.

After some further time,

The SPEAKER pro tempore, Mr. MURTHA, assumed the Chair.

When Mr. MURPHY, Chairman, pursuant to House Resolution 570, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Water Resources Development Act of 1992''.

(b) TABLE OF CONTENTS.—

SEC. 2. FINDINGS.

Congress finds that—

(1) a sound and strong infrastructure is the essential core and foundation of the Nation's economic well-being and growth and its ability to compete in the global economy;

(2) the Nation's infrastructure has been sorely neglected for years, and there is a desperate need at every level of government to increase infrastructure investment for the benefit of future generations;

(3) it is the responsibility of the Federal Government to provide coordination, direction, and assistance in the restoration and maintenance of a sound infrastructure, including a national transportation system involving surface, air, and water transportation and facilities for restoration and preservation of water quality, prevention of damages from floods, and provision of hydroelectric power and municipal and industrial water supplies;

(4) it should be a goal of the United States to develop a national intermodal transportation system that moves people and goods in an efficient manner;

(5) the Nation's future economic direction is dependent on its ability to confront directly the enormous challenges of the global economy, declining productivity growth, energy vulnerability, air pollution, water pollution, and the need to rebuild the Nation's infrastructure;

(6) a national intermodal transportation system is a coordinated, flexible network of diverse but complementary forms of transportation which moves people and goods in the most efficient manner;

(7) a national intermodal transportation system will enhance the ability of United States industry to compete in the global marketplace by reducing transportation costs;

(8) all forms of transportation, including the transportation systems of the future, will be full partners in the effort to reduce energy consumption and air pollution while promoting economic development and productivity growth;

(9) investment in the infrastructure of the United States will pay immediate and long-term dividends in jobs and economic productivity and provide the foundation for the Nation's continued leadership in the global economic competition of the 21st century;

(10) infrastructure investment differs significantly from other forms of government spending because it creates new wealth for the Nation;

(11) the wealth and economic strength of the United States is in the Nation's infrastructure which provides the foundation for all aspects of life;

(12) failure to invest in the Nation's infrastructure has placed the United States in danger of becoming a service-oriented economy rather than having a strong and independent manufacturing-based economy;

(13) foreign competitors in the global economy have surpassed the Nation's productivity growth through massive infrastructure investments, and many foreign competitors have committed to making multi-trillion dollar infrastructure investments in the future;

(14) the improvement of the Nation's coastal ports is critical to its ability to compete in the global economy through the efficient import and export of goods;

(15) the improvement of the Nation's inland waterway system is a central part of a national intermodal transportation system which permits the efficient transport of goods between markets within the Nation and between inland markets and coastal ports;

(16) the prevention of massive flood damages to the Nation's cities, industries, cultural facilities, municipal facilities, and transportation system plays a vital role in the protection of the Nation's infrastructure and the efficient conduct of commerce;

(17) the provision of municipal and industrial water supply plays a crucial role in the well-being and functioning of the Nation's communities and industries and in the health, environment, and quality of life of the Nation;

(18) the generation of hydroelectric power contributes significantly to the Nation's supply of low-cost energy and plays a significant role in reducing air pollution;

(19) the provision of recreational opportunities and the protection and enhancement of fish and wildlife habitat and environmental values contribute to the well-being of the people of the Nation; and

(20) improvement and protection of the Nation's infrastructure is an essential, proper, and necessary role of government at all levels.

SEC. 3. SECRETARY DEFINED.

For purposes of this Act, the term ''Secretary'' means the Secretary of the Army.

TITLE I—WATER RESOURCES PROJECTS

SEC. 101. PROJECT AUTHORIZATIONS.

Except as provided in this section, the following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in the respective reports designated in this section:

(1) SOUTHEAST ALASKA HARBORS OF REFUGE, ALASKA.—The project for navigation, Southeast Alaska Harbors of Refuge, Alaska: Report of the Chief of Engineers, dated June 29, 1992, at a total cost of $15,013,000, with an estimated Federal cost of $8,041,000 and an estimated non-Federal cost of $6,972,000.

(2) WHITEMAN'S CREEK, ARKANSAS.—The project for flood control, Whiteman's Creek, Arkansas: Report of the Chief of Engineers, dated June 29, 1992, at a total cost of $4,978,000, with an estimated Federal cost of $2,838,000 and an estimated non-Federal cost of $2,140,000.

(3) MORRO BAY HARBOR, CALIFORNIA.—The project for navigation, Morro Bay Harbor, California: Report of the Chief of Engineers, dated June 4, 1992, at a total cost of $2,192,000, with an estimated Federal cost of $1,754,000 and an estimated non-Federal cost of $438,000.

(4) SACRAMENTO METRO AREA, CALIFORNIA.—The project for flood control, Sacramento Metro Area, California: Report of the Chief of Engineers, dated June 29, 1992, at a total cost of $17,000,000, with an estimated Federal cost of $12,800,000 and an estimated non-Federal cost of $4,200,000.

(5) RIO GRANDE ALAMOSA, COLORADO.—The project for flood control, Rio Grande Alamosa, Colorado: Report of the Chief of Engineers, dated October 7, 1991, at a total cost of $6,781,000, with an estimated Federal cost of $5,000,000 and an estimated non-Federal cost of $1,781,000.

(6) DELAWARE RIVER MAINSTEM AND CHANNEL DEEPENING, DELAWARE, NEW JERSEY, AND PENNSYLVANIA.—The project for navigation, Delaware River Mainstem and Channel Deepening, Delaware, New Jersey, and Pennsylvania: Report of the Chief of Engineers, dated June 29, 1992, at a total cost of $294,931,000, with an estimated Federal cost of $195,767,000 and an estimated non-Federal cost of $99,164,000.

(7) CANAVERAL HARBOR, FLORIDA.—The project for navigation, Canaveral Harbor, Florida: Report of the Chief of Engineers, dated July 24, 1991, at a total cost of $13,270,000, with an estimated Federal cost of $6,350,000 and an estimated non-Federal cost of $6,920,000.

(8) KISSIMMEE RIVER RESTORATION, FLORIDA.—The project for the ecosystem restoration of the Kissimmee River, Florida: Report of the Chief of Engineers, dated March 17, 1992, at a total cost of $426,885,000, with an estimated Federal cost of $139,943,000 and an estimated non-Federal cost of $286,942,000. The Secretary is further authorized to construct the Kissimmee River headwaters revitalization project in accordance with the report prepared under section 1135 of the Water Resources Development Act of 1986 (100 Stat. 4251–4252) for such headwaters project and any modifications as are recommended by the Secretary based on the benefits derived for the environmental restoration of the Kissimmee River basin, at a total cost of $92,210,000, with an estimated Federal cost of $46,105,000 and an estimated non-Federal cost of $46,105,000. The Secretary shall take such action as may be necessary to ensure that implementation of the project to restore the Kissimmee River will maintain the same level of flood protection as is provided by the current flood control project.

(9) PORT EVERGLADES HARBOR, FLORIDA.—The project for navigation, Port Everglades Harbor, Florida: Report of the Chief of Engineers, dated September 23, 1991, at an annual cost of $98,000.

(10) SAVANNAH HARBOR, GEORGIA AND SOUTH CAROLINA.—The project for navigation, Savannah Harbor, Georgia and South Carolina: Report of the Chief of Engineers, dated June 1, 1992, at a total cost of $37,740,000, with an estimated Federal cost of $10,474,000 and an estimated non-Federal cost of $27,266,000.

(11) KENTUCKY LOCK ADDITION, KENTUCKY.—The project for navigation, Kentucky Lock Addition, Kentucky: Report of the Chief of Engineers, dated June 1, 1992, at a total cost of $468,000,000. The costs of construction of the project are to be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(12) AMITE RIVER AND TRIBUTARIES, LOUISIANA.—The project for flood control, Amite River and Tributaries, Louisiana: Report of the Chief of Engineers, dated August 27, 1991, at a total cost of $65,902,000, with an estimated Federal cost of $32,951,000 and an estimated non-Federal cost of $32,951,000.

(13) SAUGUS RIVER AND TRIBUTARIES, MASSACHUSETTS.—The project for flood control, Saugus River and Tributaries, Massachusetts: Report of the Chief of Engineers, dated August 1, 1990, at a total cost of $95,700,000, with an estimated Federal cost of $61,360,000 and an estimated non-Federal cost of $34,340,000.

(14) LAS VEGAS WASH AND TRIBUTARIES, NEVADA.—The project for flood control, Las

Vegas Wash and Tributaries, Nevada: Report of the Chief of Engineers, dated June 29, 1992, at a total cost of $204,300,000, with an estimated Federal cost of $144,000,000 and an estimated non-Federal cost of $60,300,000. The Secretary is further authorized to construct recreation features as proposed in the draft Feasibility Report and Environmental Impact Statement for Las Vegas Wash and Tributaries (Flamingo and Tropicana Washes), dated July 1990, at a total cost of $15,700,000, with an estimated Federal cost of $7,850,000 and an estimated non-Federal cost of $7,850,000.

(15) MOREHEAD CITY HARBOR, NORTH CAROLINA.—The project for navigation, Morehead City Harbor, North Carolina: Report of the Chief of Engineers, dated May 21, 1991, at a total cost of $10,030,000, with an estimated Federal cost of $6,360,000 and an estimated non-Federal cost of $3,670,000.

(16) WEST ONSLOW AND NEW RIVER INLET, NORTH CAROLINA.—The project for flood control, West Onslow and New River Inlet, North Carolina: Report of the Chief of Engineers, dated November 19, 1991, at a total cost of $14,100,000, with an estimated Federal cost of $7,600,000 and an estimated non-Federal cost of $6,500,000.

(17) LACKAWANNA RIVER AT OLYPHANT, PENNSYLVANIA.—The project for flood control, Lackawanna River at Olyphant, Pennsylvania: Report of the Chief of Engineers, dated June 29, 1992, at a total cost of $11,350,000, with an estimated Federal cost of $7,690,000 and an estimated non-Federal cost of $3,660,000.

(18) LACKAWANNA RIVER AT SCRANTON, PENNSYLVANIA.—The project for flood control, Lackawanna River at Scranton, Pennsylvania: Report of the Chief of Engineers, dated June 29, 1992, at a total cost of $15,120,000, with an estimated Federal cost of $11,350,000 and an estimated non-Federal cost of $3,770,000.

(19) LOCKS AND DAMS 2, 3, AND 4, MONONGAHELA RIVER, PENNSYLVANIA.—The project for navigation, Locks and Dams 2, 3, and 4, Monongahela River, Pennsylvania: Report of the Chief of Engineers, dated June 1, 1992, at a total cost of $556,428,000. The costs of construction of the project are to be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(20) RIO GRANDE DE LOIZA, PUERTO RICO.—The project for flood control, Rio Grande De Loiza, Puerto Rico: Report of the Chief of Engineers, dated March 5, 1992, at a total cost of $118,819,000, with an estimated Federal cost of $88,072,000 and an estimated non-Federal cost of $30,747,000.

(21) SARGENT BEACH, TEXAS.—The project for navigation, Sargent Beach, Texas: Report of the Chief of Engineers, dated June 25, 1992, at a total cost of $67,667,000. The costs of construction of the project are to be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(22) SHOAL CREEK, AUSTIN, TEXAS.—The project for flood control, Shoal Creek, Austin, Texas: Report of the Chief of Engineers, dated June 16, 1992, at a total cost of $6,808,000, with an estimated Federal cost of $5,106,000 and an estimated non-Federal cost of $1,702,000.

(23) SANDBRIDGE BEACH, VIRGINIA BEACH, VIRGINIA.—The project for beach erosion control and hurricane protection, Sandbridge Beach, Virginia Beach, Virginia: Report of the Chief of Engineers, dated June 29, 1992, at a total cost of $8,850,000, with an estimated Federal cost of $5,750,000 and an estimated non-Federal cost of $3,100,000.

SEC. 102. PROJECT MODIFICATIONS.

(a) TENNESSEE-TOMBIGBEE WATERWAY, ALABAMA AND MISSISSIPPI.—

(1) IN GENERAL.—The Tennessee-Tombigbee Waterway Wildlife Mitigation project, Alabama and Mississippi, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4138), is modified to authorize—

(A) the Secretary to review lands acquired for the project to determine if such lands can be made available for related project uses (including port, industrial, and other community or regional economic development endeavors);

(B) the Secretary to sell or exchange any lands which are determined by the Secretary to be available for such related uses; and

(C) the Secretary to acquire from willing sellers lands to replace any lands sold or exchanged by the Secretary under this subsection.

(2) LIMITATIONS.—Lands acquired under this subsection shall fully replace lost wildlife habitat value. Acquisition of lands under this subsection may be by purchase, exchange, or a combination thereof. Sales, exchanges, and acquisitions under this subsection shall be at fair market value and shall be with the consent of appropriate Federal and State fish and wildlife agencies. No lands may be sold under this subsection until replacement lands have been acquired under this subsection. Management of lands acquired under this subsection and reimbursement of costs with respect to such lands shall be the same as for lands acquired for the project before the date of the enactment of this Act.

(b) GOLETA AND VICINITY, CALIFORNIA.—The project for flood protection, Santa Barbara County Coastal Streams and tributaries in the area of Goleta, California, authorized by section 201 of the Flood Control Act of 1970 (84 Stat. 1862), is modified to authorize the Secretary to carry out the recommendations contained in the report of the Chief of Engineers relating to flood protection for Goleta and vicinity, California, dated March 25, 1991, at a total cost of $5,970,000, with an estimated Federal cost of $4,140,000 and an estimated non-Federal cost of $1,830,000.

(c) OCEANSIDE HARBOR, CALIFORNIA.—The project for navigation, Oceanside Harbor, California, authorized by the River and Harbor Act of 1965 (79 Stat. 1092), is modified to authorize the Secretary to repair, operate, and maintain the extension of the south jetty constructed in 1968.

(d) SAN LEANDRO MARINA, CALIFORNIA.—

(1) MAINTENANCE OF SOUTHERN CHANNEL.—The project for navigation, San Leandro Marina, Jack D. Maltester Channel, California, authorized under section 201 of the Flood Control Act of 1965 by resolutions adopted by the Committee on Public Works and Transportation of the House of Representatives on June 22, 1971, and adopted by the Committee on Environment and Public Works of the Senate on December 15, 1970, is modified to direct the Secretary to maintain the 8-foot deep and 100-foot wide access channel extending from the southern auxiliary access channel to the boat launching ramp in the small boat lagoon.

(2) DEAUTHORIZATION OF NORTHERN CHANNEL.—The northern auxiliary access channel of the project referred to in paragraph (1) is not authorized after the date of the enactment of this Act.

(3) NAMING OF SOUTHERN CHANNEL.—

(A) DESIGNATION.—The southern auxiliary channel referred to in paragraph (1) shall be known and designated as the ''Jack D. Maltester Channel''.

(B) LEGAL REFERENCES.—A reference in any law, regulation, document, record, map, or other paper of the United States to the channel referred to in subparagraph (A) shall be deemed to be a reference to the ''Jack D. Maltester Channel''.

(e) CROSS FLORIDA BARGE CANAL.—Section 1114 of the Water Resources Development Act of 1986 (16 U.S.C. 460tt) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

''(f) CONTRACT FOR CONTINUED O&M.—

''(1) IN GENERAL.—During the period beginning on November 28, 1992, and ending on September 30, 1993, the Secretary is authorized and directed to offer to enter into a contract with the St. Johns River Water Management District and the Southwest Florida Water Management District of the State of Florida for the continued operation and maintenance by the Secretary of the portions of the project described in subsection (d). The maintenance shall be performed at a level of service that is necessary to ensure safe operating conditions and to prevent deterioration of the structures. No major rehabilitations or renovations shall be performed by the Secretary in such portions of the project during such period.

''(2) FUNDING.—Funding for the continued operation and maintenance of the barge canal project by the Secretary under this subsection shall not exceed $300,000. The State of Florida shall pay a non-Federal share of $600,000 to fund the continued maintenance of the portions of the project described in subsection (d) in accordance with paragraph (1).''.

(f) SAVANNAH HARBOR, GEORGIA.—The navigation project for Savannah Harbor, Georgia, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1090), is modified to authorize the Secretary to remove the tide gate in the Back River.

(g) O'HARE SYSTEM OF THE CHICAGOLAND UNDERFLOW PLAN, ILLINOIS.—The project for flood control, O'Hare System of the Chicagoland Underflow Plan, Illinois, authorized by section 401 of the Water Resources Development Act of 1986 (100 Stat. 4115), is modified to authorize the Secretary to construct the project at a total cost of $29,000,000, with an estimated Federal cost of $17,800,000 and an estimated non-Federal cost of $11,200,000.

(h) ILLINOIS RIVER, ILLINOIS.—The project for inland navigation, Illinois River, Illinois, authorized by the Rivers and Harbors Act of 1935 (49 Stat. 1035), is modified to provide that dredged material disposal areas shall be a Federal responsibility.

(i) LOCKS AND DAM 26, MISSISSIPPI RIVER, ALTON, ILLINOIS AND MISSOURI.—Section 102(l) of the Water Resources Development Act of 1990 (104 Stat. 4613) is amended by inserting before the period at the end of the last sentence ''or other non-Federal interests''.

(j) FORT WAYNE, INDIANA.—The project for flood control, Fort Wayne, St. Mary's and Maumee Rivers, Indiana, authorized by section 101(a)(11) of the Water Resources Development Act of 1990 (104 Stat. 4607), is modified to include the Headwaters Flood Control and Park feature as a recreation feature of the project and to provide that lands acquired by non-Federal interests for the project before, on, or after the date of the enactment of this Act shall be credited toward the non-Federal share of the cost of construction of the project.

(k) CALCASIEU SHIP CHANNEL, LOUISIANA.—The project for navigation, Calcasieu Ship Channel, Louisiana, authorized by the first section of the River and Harbor Act of July 24, 1946 (60 Stat. 635), is modified to authorize the Secretary to carry out measures to control erosion on the west bank of the channel in the area of Dugas Landing at a total cost of $1,000,000.

(l) LAKE PONTCHARTRAIN, LOUISIANA.—The project for hurricane-flood protection on

Lake Pontchartrain, Louisiana, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1077), is modified—

(1) to direct the Secretary to construct measures to intercept and convey drainage from the landside slopes of project levees in Jefferson Parish, Louisiana, directly to the existing drainage system;

(2) to direct the Secretary to reevaluate the benefits of the constructed portions of the project which accrue to St. Bernard Parish and to the Lake Borgne Basin Lever District for the purposes of determining the portion of the benefits which were expected to accrue to the parish and district but which were not realized;

(3) to direct the Secretary to reduce the non-Federal share of the capital costs and operation and maintenance attributable to the parish and district by the percentage of the expected benefits which were not realized; and

(4) to provide that the parish and district shall not be required to make payments on their respective non-Federal responsibilities until the Secretary has made the reductions under paragraph (3).

In carrying out paragraphs (2) and (3), the Secretary shall utilize results of the study conducted under section 116(k) of the Water Resources Development Act of 1990 and any other relevant information.

(m) PARISH CREEK, SHADY SIDE, MARYLAND.—The project for navigation, Parish Creek, Shady Side, Maryland, authorized by the first section of the River and Harbor Act of August 30, 1935 (49 Stat. 1031), is modified to reduce the length of the western boundary of the turning basin by 100 feet.

(n) BUFFOMVILLE LAKE, MASSACHUSETTS.—The flood control project for Buffomville Lake, Massachusetts, authorized by section 3 of the Flood Control Act of August 18, 1941 (55 Stat. 639), is modified to add low flow augmentation as a project purpose and to direct the Secretary to operate the project to improve water quality on the French River, Connecticut and Massachusetts.

(o) FLINT RIVER, MICHIGAN.—The project for flood control, Flint River, Michigan, authorized by section 201 of the Flood Control Act of 1958 (72 Stat. 311), is modified to authorize the Secretary to purchase and install a fabridam at such project.

(p) SOUTH FORK ZUMBRO RIVER, MINNESOTA.—The project for flood control, South Fork Zumbro River Watershed, Rochester, Minnesota, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4117), is modified to authorize the Secretary to construct the project at a total cost of $123,100,000, with an estimated Federal cost of $90,800,000 and an estimated non-Federal cost of $32,300,000.

(q) SOWASHEE CREEK, MERIDIAN, MISSISSIPPI.—The project for flood control, Sowashee Creek, Meridian, Mississippi, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4118), is modified to direct the Secretary to construct the project with an expanded scope recreation plan, as described in the Post Authorization Change Report of the Chief of Engineers, dated August 1991, at a total project cost of $31,994,000, with an estimated Federal cost of $19,706,000 and an estimated non-Federal cost of $12,288,000. The Federal share of the cost of the recreation features shall be 50 percent exclusive of lands, easements, rights-of-way, and relocations.

(r) NEW MADRID HARBOR, MISSOURI.—The project for navigation, New Madrid Harbor, Missouri, authorized pursuant to section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is modified to direct the Secretary to assume responsibility for maintenance of New Madrid County Harbor constructed by non-Federal interests before the date of the enactment of this Act.

(s) STE. GENEVIEVE, MISSOURI.—The project for flood control, Ste. Genevieve, Missouri, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4118), is modified to provide that the non-Federal share of the cost of the project shall be limited to the provision of lands, easements, rights-of-way, relocations, dredged material disposal areas, existing local flood control improvements, and a cash contribution in the amount of 5 percent of the cost of construction of the project and to provide that the project may be constructed in phases so long as each phase is a usable segment from an engineering and historic preservation standpoint.

(t) ST. JOHNS BAYOU AND NEW MADRID FLOODWAY, MISSOURI.—The project for flood control, St. Johns Bayou and New Madrid Floodway, Missouri, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4118), is modified to provide that the non-Federal share of the cost of the project shall be limited to the provision of lands, easements, rights-of-way, relocations, dredged material disposal areas, existing local flood control improvements, and a cash contribution in the amount of 5 percent of the cost of construction of the project.

(u) PAPILLION CREEK AND TRIBUTARIES LAKES, NEBRASKA.—The project for flood control, Papillion Creek and Tributaries Lakes, Nebraska, authorized by section 203 of the Flood Control Act of 1968 (82 Stat. 743) and section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4119), is modified to authorize the Secretary to construct the project substantially in accordance with the Post Authorization Change Report, dated April 1992, at a total cost of $12,735,000, with an estimated Federal cost of $9,028,000 and an estimated non-Federal cost of $3,707,000.

(v) GREEN BROOK SUB-BASIN, RARITAN RIVER BASIN, NEW JERSEY.—The project for flood control, Green Brook Sub-basin, Raritan River Basin, New Jersey, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4119), is modified—

(1) to direct the Secretary to credit the non-Federal share of the cost of the project for the value of the Dismal Swamp and contiguous undeveloped fast lands acquired by the non-Federal interests and used for environmental mitigation purposes; and

(2) to provide that, in computing benefits and costs for the project, loss of life and personal injury benefits which may be associated with flooding and coastal storm events shall be quantified in monetary terms utilizing the contingent valuation method of the Principles and Guidelines for Water and Land Related Resources or other such methods as will reasonably place a fair value on the preservation of human life and personal well-being, including the value of life as dictated by the marginal willingness to pay for federally mandated safety devices and procedures.

(w) PASSAIC RIVER MAIN STEM, NEW JERSEY AND NEW YORK.—Section 101(a)(18) of the Water Resources Development Act of 1990 (104 Stat. 4607–4610) is amended—

(1) by adding at the end of subparagraph (A) the following new clause:

''(vi) FLOOD WARNING SYSTEM.—The Secretary is authorized to establish, operate, and maintain, at full Federal expense, the Passaic River flood warning system element of the project before completion of construction of the tunnel element of the project.'';

(2) in subparagraph (B) by striking ''Jackson'' and inserting ''Brill'';

(3) in subparagraph (B) by striking ''$6,000,000'' and inserting ''$25,000,000'';

(4) in subparagraph (B) by striking ''and scenic overlook facilities'' and inserting ''scenic overlook facilities, and public access 21'';

(5) in subparagraph (B) by inserting after the first sentence the following new sentence: ''The project element authorized by this subparagraph shall be carried out, in cooperation with the city of Newark, so that it is compatible with the proposed reconstruction plans for Route 21 and the proposed arts center.'';

(6) in subparagraph (B) by striking ''may be undertaken'' and inserting ''shall be undertaken'';

(7) in the first sentence of subparagraph (C)(vi) by inserting after ''for'' the first place it appears ''the purpose of assuring the integrity of'';

(8) in subparagraph (C)(vii) by inserting ''the additional'' after ''Act, the fair market value of'';

(9) in subparagraph (C)(vii) by inserting ''integrity of the'' before ''Wetlands Bank'';

(10) in subparagraph (C)(vii) by inserting ''and any other flood control project in the Passaic River basin'' after ''by this paragraph'';

(11) in subparagraph (C)(viii) by striking ''for the Wetlands Bank'' and inserting ''in accordance with clauses (ii) and (vi)''; and

(12) in subparagraph (C)(viii) by inserting ''and financial'' after ''economic''.

(x) RAMAPO RIVER AT OAKLAND, NEW JERSEY.—The project for flood control, Ramapo River at Oakland, New Jersey, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4120), is modified to authorize the Secretary to construct the project substantially in accordance with the Report of the Chief of Engineers dated January 28, 1986, with the Ramapo River channel modification realigned through Potash Lake, the modified Pompton Lake Dam bascule flood gates replaced with taintor gates, at a 40 year level of flood protection, and at a total cost of $11,750,000, with an estimated Federal cost of $8,812,500 and an estimated non-Federal cost of $2,937,500.

(y) RARITAN BAY AND SANDY HOOK BAY, NEW JERSEY.—The project for hurricane-flood protection, Raritan Bay and Sandy Hook Bay, New Jersey, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1181), is modified—

(1) to direct the Secretary to complete the project;

(2) to provide periodic beach nourishment for Cliffwood Beach for 50 years; and

(3) to provide that the non-Federal share of the cost of construction and maintenance of the project shall be the original cost incurred, before construction of the project, by non-Federal interests for construction of the seawall at Cliffwood Beach and for maintenance and rehabilitation of such seawall.

(z) SANDY HOOK TO BARNEGAT INLET, NEW JERSEY.—The project for beach erosion control, Sandy Hook to Barnegat Inlet, New Jersey, authorized by the River and Harbor Act of 1958, is modified to provide that costs incurred by the non-Federal interests to stabilize the seawall at Belmar and Spring Lake, New Jersey, shall be credited against the non-Federal share of the cost of construction and maintenance of section 2 of the project (Asbury Park to Manasquan).

(aa) FALLS DAM AND RESERVOIR, NEUSE RIVER, NORTH CAROLINA.—The project for flood control, Falls Dam and Reservoir, Neuse River, North Carolina, authorized by section 201(a) of the Flood Control Act of 1965 (79 Stat. 1075), is modified to provide that the Forest Ridge Peninsula Park Recreation Area shall be included as a part of the initial recreation development for the project and to provide that the non-Federal share of the cost of the project, and any other terms of local cooperation, shall be as specified in the local cooperation agreement executed on October 10, 1972.

(bb) RENO BEACH-HOWARD FARMS, OHIO.—The project for flood protection, Reno Beach-Howard Farms, Ohio, authorized by section 203 of the Flood Control Act of 1938, is modified to provide that the value of lands, easements, rights-of-way, and disposal areas shall be determined on the basis of their initial appraisal by the Corps of Engineers.

(cc) BROKEN BOW LAKE, RED RIVER BASIN, OKLAHOMA.—The project for flood control and water supply, Broken Bow Lake, Red River Basin, Oklahoma, authorized by section 203 of the Flood Control Act of 1958 (72 Stat. 309) and modified by the Flood Control Act of 1962, is further modified to provide for the reallocation of a sufficient amount of existing and available water supply storage space in Broken Bow Lake to support the Mountain Fork trout fishery. Releases of water from Broken Bow Lake for the Mountain Fork trout fishery shall be undertaken at no expense to the State of Oklahoma and under terms and conditions acceptable to the Secretary.

(dd) WYOMING VALLEY, PENNSYLVANIA.—The project for flood control, Wyoming Valley, Pennsylvania, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124), is modified—

(1) to direct the Secretary to complete the final phase II design memorandum for the project (including the results of a review of nonstructural mitigation plans for the purpose of ameliorating damages from induced flooding) not later than August 8, 1994;

(2) to direct the Secretary—

(A) to cooperate with non-Federal interests to make use of equipment and employees of the non-Federal interests in carrying out the project; and

(B) to credit the non-Federal share of the cost of the project for the value of the use of such equipment and employees;

(3) to provide that, notwithstanding the last sentence of subsection (c) of section 104 of the Water Resources Development Act of 1986, non-Federal interests may apply for crediting under such section 104, against the non-Federal share of the cost of the project, the cost of work compatible with the project carried out after June 1, 1972, by the non-Federal interests; and

(4) to authorize the Secretary to construct an inflatable dam on the Susquehanna River in the Wilkes-Barre area, Pennsylvania, at a total cost of $21,500,000, with the non-Federal share of the cost of such dam to be as provided in section 103(c)(4) of such Act.

(ee) WISTER LAKE, OKLAHOMA.—The flood control project for Wister Lake, LeFlore County, Oklahoma, authorized by section 4 of the Flood Control Act of June 28, 1938 (52 Stat. 1218), is modified to increase the level of the conservation pool by 1 foot and to adjust the seasonal pool operation to accommodate the change in the conservation pool elevation.

(ff) CHETCO RIVER, OREGON.—The project for navigation, Chetco River, Oregon, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1092), is modified to direct the Secretary to assume responsibility for operation and maintenance of the approximately 200-foot long access channel to the south commercial boat basin consistent with authorized project depths.

(gg) PORT ORFORD, OREGON.—Section 117 of the River and Harbor Act of 1970 (84 Stat. 1822) is amended by striking the last sentence and inserting the following: ''The Secretary is authorized to maintain the authorized Federal navigation channel at Port Orford, Oregon, including those portions of the channel within 50 feet of the port facility.''.

(hh) CLIFF WALK, NEWPORT, RHODE ISLAND.—The project for beach erosion, Cliff Walk, Newport, Rhode Island, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1092), is modified to authorize the Secretary to carry out additional shoreline protection measures on Cliff Walk, Newport, Rhode Island, at an estimated total cost of $3,500,000, with an estimated Federal cost of $1,750,000 and an estimated non-Federal cost of $1,750,000.

(ii) CLEAR CREEK, TEXAS.—

(1) IN GENERAL.—The flood control project for Clear Creek, Texas, authorized by section 203 of the Flood Control Act of 1968 (82 Stat. 742), is modified to direct the Secretary to remove, at Federal expense, the Southern Pacific Railroad swing bridge, which crosses the primary channel of Clear Creek at the entrance to Galveston Bay, Texas, including the pivot pier and timber approach bridge.

(2) AGREEMENT.—The Secretary may not remove the bridges and pier referred to in paragraph (1) until the Southern Pacific Transportation Company has entered into a written agreement with the Secretary in which the company—

(A) agrees that the removal of the bridges and pier fully satisfies any responsibility the United States might otherwise have to provide substitute facilities or to replace, relocate, or alter any of the company's railroad facilities affected by the project;

(B) agrees to provide to the United States, without additional consideration, any and all necessary easements at and immediately adjacent to the Second Outlet, Clear Lake to Galveston Bay;

(C) agrees that the salvage value of the pivot pier and timber approach bridge shall accrue to the United States to offset costs incurred by the United States in removing the bridges and pier;

(D) agrees to release the United States from any claims for compensation for damages related to the operation of the railroad facilities;

(E) agrees to cooperate with the United States in the removal of the bridges and pier; and

(F) agrees to hold and save the United States free from all damages arising from the removal of the bridges and pier, except for damages due to the fault or negligence of the United States or its contractors.

(3) DISPOSITION OF SWING BRIDGE.—After its removal pursuant to this subsection, the swing bridge referred to in paragraph (1) shall remain the property of the Southern Pacific Transportation Company and shall be loaded on barges provided by the company.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $550,000 for fiscal years beginning after September 30, 1992.

(jj) CORPUS CHRISTI SHIP CHANNEL, TEXAS.—That portion of the project for navigation, Corpus Christi Ship Channel, Texas, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 298), is modified to authorize the Secretary to maintain the Jewel Fulton Canal at a depth of 17 feet.

(kk) DALLAS FLOODWAY EXTENSION, DALLAS, TEXAS.—

(1) IN GENERAL.—The project for flood control, Dallas Floodway Extension, Dallas, Texas, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1091), is modified to provide that, notwithstanding the last sentence of subsection (c) of section 104 of the Water Resources Development Act of 1986, non-Federal interests may apply for crediting under such section 104, against the non-Federal share of the cost of the project, the cost of work performed by the non-Federal interests in constructing flood protection works for Rochester Park and the north section of the Central Wastewater Treatment Plant.

(2) DETERMINATION OF AMOUNT.—The amount to be credited under paragraph (1) shall be determined by the Secretary. In determining such amount, the Secretary may permit crediting only for that portion of the work performed by the non-Federal interests which is compatible with the project described in paragraph (1) and which is required for construction of such project.

(3) CASH CONTRIBUTION.—Nothing in this subsection shall be construed to limit the applicability of the requirement contained in section 103(a)(1)(A) of the Water Resources Development Act of 1986 to the project described in paragraph (1).

(ll) RAY ROBERTS LAKE, ELM FORK OF THE TRINITY RIVER, TEXAS.—The project for navigation, Ray Roberts Lake, Elm Fork of the Trinity River, Texas, authorized by the River and Harbor Act of 1965 (79 Stat. 1091), is modified to direct the Secretary to construct access ramps to permit boat launching access during periods of high water at the Sanger, Jordan, and FM–372 access areas, at an estimated total cost of $55,000. Operation and maintenance of the access ramps shall be a non-Federal responsibility.

(mm) RAY ROBERTS LAKE GREENBELT, TEXAS.—The multiple purpose project, Ray Roberts Lake Greenbelt, Texas, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1091), is modified to provide that the Federal and non-Federal shares of the costs of the recreation features of the project authorized by section 101(a)(22) of the Water Resources Development Act of 1990 (104 Stat. 4610) shall be determined in accordance with section 103(c)(4) of the Water Resources Development Act of 1986. Except as provided in the preceding sentence, nothing in this subsection shall be construed as modifying or otherwise affecting the payment schedule or any other provision of the following contracts:

(1) Contract number DACW63–80–C–0106 between the United States and the city of Dallas, Texas, for recreation development at Aubrey and Lewisville Lakes, Texas.

(2) Contract number DACW63–80–C–0107 between the United States and the city of Denton, Texas, for recreation development at Aubrey and Lewisville Lakes, Texas.

(nn) SIMS BAYOU, TEXAS.—The project for flood control, Sims Bayou, Texas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4125), is modified to direct the Secretary to include, to the extent practicable, measures to improve environmental quality and riparian habitat.

(oo) BUENA VISTA, VIRGINIA.—The project for flood control, Buena Vista, Virginia, authorized by section 101 of the Water Resources Development Act of 1990 (104 Stat. 4610), is modified to provide that, pursuant to section 103(m) of the Water Resources Development Act of 1986, the requirement of the non-Federal sponsors for a cash contribution shall not exceed 5 percent of the cost of construction of the project.

(pp) SOUTHERN BRANCH OF ELIZABETH RIVER, NORFOLK HARBOR, VIRGINIA.—The project for navigation, Southern Branch of the Elizabeth River, Norfolk Harbor, Virginia, authorized by the Act of June 25, 1910 (36 Stat. 640), is modified to provide that the city of Chesapeake, Virginia, shall not be required to make payments after the date of the enactment of this Act under the cost-sharing agreement which the city entered into with the United States with respect to such project.

(qq) VIRGINIA BEACH, VIRGINIA.—The project for beach erosion control and hurricane protection, Virginia Beach, Virginia, authorized by section 501(a) of the Water Resources Development Act of 1986 (100 Stat. 4136), is modified to authorize the Secretary to construct the project at a total cost of $112,000,000, with an estimated Federal cost of $72,800,000 and an estimated non-Federal cost of $39,200,000, and an average annual cost of $2,000,000 for the periodic beach nour-

ishment over the 50-year economic life of the project, with an estimated Federal cost of $1,300,000 and an estimated non-Federal cost of $700,000. In carrying out the project, the Secretary is directed to construct the project with a uniform level of protection against a 100-year storm event, plus or minus 15 years, from Rudee Inlet to 89th Street by construction of a seawall from Rudee Inlet to 58th Street with a maximum top of seawall elevation of 13.5 feet (NGVD), dune reconstruction where necessary from 58th Street to 89th Street with a maximum top of dune elevation of 18 feet (NGVD), and construction of a beach berm from Rudee Inlet to 89th Street to a maximum design elevation of 10 feet (NGVD), and a width at design elevation to obtain the desired level of protection. In carrying out the project, the Secretary is also directed to provide for interior storm water to be collected into a pipe which will run longitudinally beneath the reconstructed boardwalk and to be discharged offshore by pumping through subsurface pipelines.

(rr) LOWER GRANITE LOCK AND DAM, WASHINGTON.—The Lower Granite Lock and Dam feature of the project for navigation, Snake River, Oregon, Washington, and Idaho, authorized by section 2 of the River and Harbor Act of March 2, 1945 (59 Stat. 21–22), is modified to authorize the Secretary to construct an all weather surface road in Whitman County, Washington, from Whitman County Road 9000 at the mouth of the Wawawai Canyon to existing roads in the vicinity of the Lower Granite Dam. The cost of such construction shall be assigned to navigation.

(ss) BONNEVILLE LOCK AND DAM, WASHINGTON.—

(1) REQUIRED ACTIONS.—The project for Bonneville Lock and Dam, Columbia River, Oregon and Washington, authorized by the Act of August 20, 1937 (50 Stat. 731), and modified by the Water Resources Development Act of 1974 (93 Stat. 35), is further modified to direct the Secretary to complete the relocation of the city of North Bonneville, Washington, by undertaking and completing the following actions:

(A) CONVEYANCE OF MUNICIPAL FACILITIES.—On or before the 30th day following the date of the enactment of this Act, convey to the city, at no cost to the city, all right, title, and interest of the United States to all constructed municipal facilities, utilities, fixtures, and equipment for the relocated town, together with associated easements and rights of entry.

(B) CONVEYANCE OF PUBLIC LANDS.—On or before the 30th day following the date of the enactment of this Act, convey to the city, at no cost to the city, all right, title, and interest of the United States to all public lands, as designated in the plats of the initial town. Such lands are identified as open spaces, municipal lots, street rights-of-way, and city park and community center lot (lot 2, block 5), as shown on the plat of relocated North Bonneville.

(C) CONVEYANCE OF OPTIMUM TOWN LAND.—In accordance with paragraphs (2), convey to the city all right, title, and interest of the United States to the following parcels of optimum town land, as described and identified in Committee Print 102–67 of the Committee on Public Works and Transportation:

(i) PARCELS 2, B, C, AND H.—Parcels 2, B, C, and H on or before the 30th day following the date of the enactment of this Act.

(ii) PARCEL 1.—Parcel 1 (other than those lands, not to exceed 10 acres, which are necessary and appropriate for fish and wildlife mitigation as determined by the Secretary, in consultation with the Secretary of the Interior) on or before the 30th day following receipt by the Secretary of certification by the State of Washington Department of Ecology that remedial actions required by such department to address contamination on parcel 1 have been completed to the satisfaction of such department.

(D) RELEASE OF CLAIM.—Execute and transmit to the city a release of a claim of the United States in the amount of $365,181.12 (plus interest) for operation and maintenance costs incurred by the Secretary during the period in which the city relocation was not completed.

(E) EASEMENTS.—At the time of conveyance of the parcels under subparagraph (C), grant easements—

(i) for reasonable public pedestrian and vehicular access to the Columbia River; and

(ii) for storm drain outfalls reasonably required to serve the city of North Bonneville.

(2) CONSIDERATION.—Conveyance of the parcels under paragraph (1)(C) shall be in consideration of $597,804 to be paid by the city of North Bonneville to the United States. The Secretary shall determine the portion of such sum represented by each parcel and upon the conveyance of a parcel shall require payment for such parcel, without interest, not later than 10 years after the date of such conveyance.

(3) EFFECT OF COMPLETION OF REQUIRED ACTIONS.—Completion of the actions required under paragraph (1) shall constitute completion of the relocation of the city of North Bonneville and shall fully satisfy any claim of the city for just compensation relating to the taking by the United States of the municipal facilities and utilities of the city. Upon completion of actions required under paragraph (1) and request by the Secretary, the city shall transmit to the Secretary written certification of such completion and a release of any future claim of the city for just compensation relating to such taking.

(4) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing contained in this subsection, and no action taken pursuant to this subsection, shall effect any change in the municipal boundaries of the city of North Bonneville or the authority of the city under the laws of the State of Washington.

(tt) BEECH FORK LAKE, WEST VIRGINIA.—The project for flood control, Beech Fork Lake, West Virginia, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1188), is modified to direct the Secretary to complete a study and issue a report on relocation of the lodge resort complex authorized to be constructed as part of the project and to carry out the project substantially in accordance with such report.

(uu) BLUESTONE LAKE, OHIO RIVER BASIN, WEST VIRGINIA.—The project for flood control, Bluestone Lake, Ohio River Basin, West Virginia, authorized by section 4 of the Flood Control Act of June 28, 1938 (52 Stat. 1217), is modified to direct the Secretary to take such measures as are technologically feasible to prohibit the release of drift and debris into waters downstream of the project, including measures to prevent the accumulation of drift and debris at the project, the collection and removal of drift and debris on the segment of the New River upstream of the project, and the removal (through the use of temporary or permanent systems) and disposal of accumulated drift and debris at Bluestone Dam.

(vv) LA CROSSE AND SHELBY, WISCONSIN.—The project for flood protection of State Road and Ebner Coulees, city of La Crosse and Shelby Township, Wisconsin, authorized by section 203 of the Flood Control Act of 1968 (82 Stat. 742), is modified to direct the Secretary to reimburse the non-Federal sponsor $1,467,000 for the Federal share of work performed by the non-Federal sponsor in connection with the project. Such reimbursement shall be in addition to amounts previously reimbursed by the Secretary for such work.

SEC. 103. VISITOR CENTERS.

(a) MELVIN PRICE LOCK AND DAM, ALTON, ILLINOIS.—

(1) CONSTRUCTION.—The Secretary may construct a regional visitor center of at least 24,000 square feet at the Melvin Price Lock and Dam, Alton, Illinois.

(2) PURPOSES.—The purposes of the visitor center to be constructed under this subsection shall be to inform the public of—

(A) the role of the United States Army Corps of Engineers in inland navigation along the Mississippi River and its tributaries,

(B) the role of the Melvin Price Lock and Dam in such inland navigation,

(C) the socioeconomic development of the surrounding area, and

(D) events of historical, archaeological, cultural, and natural significance in such area.

(3) FEDERAL SHARE.—The Federal share of the cost of construction of the visitor center under this subsection shall be 100 percent.

(b) MT. MORRIS DAM, NEW YORK.—

(1) CONSTRUCTION.—The Secretary shall construct a visitor center at Mt. Morris Dam, Mt. Morris, New York, in accordance with alternative 2 contained in the report of the District Engineer, Buffalo District, entitled ''Mt. Morris Dam, Interpretive Development Prospectus, Visitor Reception Area'', dated February 22, 1991.

(2) DESIGNATION.—The visitor center to be constructed under this subsection shall be known and designated as the ''William B. Hoyt II Visitor Center''.

(3) FEDERAL SHARE.—The Federal share of the cost of construction of the visitor center under this subsection shall be 100 percent.

(c) LOWER MISSISSIPPI RIVER MUSEUM AND RIVERFRONT INTERPRETIVE SITE.—

(1) ESTABLISHMENT.—The Secretary shall establish and operate in accordance with this subsection an interpretive facility (including a museum and interpretive site) in Vicksburg, Mississippi, which shall be known as the ''Lower Mississippi River Museum and Riverfront Interpretive Site''.

(2) LOCATION OF MUSEUM.—The museum shall be located on property currently held by the Resolution Trust Corporation in the vicinity of the Mississippi River Bridge in Vicksburg, Mississippi. Title to the property shall be transferred to the Secretary at no cost.

(3) INTERPRETIVE SITE.—The interpretive site shall be located on riverfront property between the Mississippi River Bridge and the Mississippi Riverpark in Vicksburg, Mississippi. The Secretary is authorized to acquire surface use easements for such site on a willing seller basis.

(4) LIMITATION ON ACQUISITION AUTHORITY.—The Secretary may not use condemnation of property in carrying out this subsection.

(5) PURPOSES OF THE MUSEUM AND INTERPRETIVE SITE.—The purposes of the Lower Mississippi River Museum and Riverfront Interpretive Site are to—

(A) promote an understanding of the Lower Mississippi River and the United States Army Corps of Engineers' role in developing and managing this nationally significant resource;

(B) interpret the United States Army Corps of Engineers historic presence in the Lower Mississippi River Valley and its administration of the Mississippi River and Tributaries project;

(C) provide an understanding of the many Corps of Engineers branches and facilities in the Vicksburg area and their relationship to flood control, navigation, and environmental conservation in the Mississippi River;

(D) highlight the Mississippi River's influence on the Vicksburg area and the river valley's natural, historic, and cultural resource contributions;

(E) highlight local Corps of Engineers projects and management strategies;

(F) provide an understanding of the surrounding natural riparian environment adjacent to the Mississippi River through public access and interpretive displays; and

(G) promote the worldwide application of water resource technologies learned from using the Mississippi River as a working model.

(6) RELATED AGENCIES AND PROGRAMS.—

(A) SMITHSONIAN INSTITUTION.—The Secretary shall consult with the Secretary of the Smithsonian Institution in the planning and design of the museum and riverfront interpretive site under this subsection.

(B) DEPARTMENT OF THE INTERIOR.—The Secretary shall consult with the Secretary of the Interior and the Director of the National Park Service in the planning, design, and implementation of interpretive programs for the museum and riverfront interpretive site to be established under this subsection.

(C) VISITOR SERVICES.—The Secretary is directed to provide increased and enhanced visitor services at the United States Army Corps of Engineers, Waterways Experiment Station in Vicksburg, Mississippi.

(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this subsection, including acquiring and restoring under paragraph (2) the property held by the Resolution Trust Corporation and planning, designing, and constructing the museum and riverfront interpretive site under this subsection.

(d) NORTHEASTERN NEW JERSEY REGIONAL FLOOD OPERATIONS-RESPONSE, ENGINEERING, AND VISITOR CENTER.—

(1) CONSTRUCTION.—The Secretary is directed to construct a visitor center in northeastern New Jersey of at least 15,000 square feet to serve as the center for the United States Army Corps of Engineers operations and emergency response engineering activities within the Passaic, Hackensack, Raritan, and Atlantic Coast floodplain areas and to inform the public of the Corps of Engineers' flood damage reduction and emergency preparedness roles for these areas, the socioeconomic development of the region, and events of historical, archaeological, cultural, and natural significance to these areas.

(2) PARK LAND FOR VISITOR ACCESS.—The visitor center to be constructed under this subsection shall include approximately 5 acres of public park land for visitor access.

(3) DESIGNATION.—The visitor center to be constructed under this subsection shall be known and designated as the ''Northeastern New Jersey Regional Flood Operations-Response, Engineering, and Visitor Center''.

(4) FEDERAL SHARE.—

(A) CONSTRUCTION.—The Federal share of the costs of construction of the visitor center under this subsection shall be 100 percent.

(B) OPERATION AND MAINTENANCE.—The visitor center to be constructed under this subsection shall be operated and maintained at Federal expense in accordance with section 101(a)(18)(A)(iv) of the Water Resources Development Act of 1990.

(5) INTERIM MEASURES.—The Secretary is directed to provide increased and enhanced flood emergency operations and engineering preparedness and visitor services at the Corps of Engineers' Passaic River Division office in Hoboken, New Jersey, until such time as the center to be constructed under this subsection is operational.

SEC. 104. SMALL NAVIGATION PROJECTS.

The Secretary shall conduct a study for each of the following projects and, after completion of such study, shall carry out the project under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577):

(1) CALCASIEU RIVER, LOUISIANA.—A navigation project for the Calcasieu River, Louisiana, to enlarge the existing channel to the Port of Cameron to dimensions of 18 feet by 200 feet.

(2) CALCASIEU RIVER, LOUISIANA.—A navigation project for the Calcasieu River, Louisiana, to enlarge the southern portion of the Cameron Loop to dimensions of 18 feet by 140 feet.

(3) PROVINCETOWN HARBOR, MASSACHUSETTS.—A navigation project for Provincetown Harbor, Massachusetts. The Secretary shall evaluate the benefits of the project to commercial fishermen based on full manufacturing wages.

(4) AUNT LYDIA'S COVE, CHATHAM, MASSACHUSETTS.—A navigation project for Aunt Lydia's Cove, Chatham, Massachusetts. The Secretary shall evaluate the benefits of the project to commercial fishermen based on full manufacturing wages.

(5) GRAND MARAIS, MINNESOTA.—A project for a harbor of refuge, Grand Marais, Minnesota.

(6) GRAND PORTAGE, MINNESOTA.—A project for a harbor of refuge, Grand Portage, Minnesota.

(7) SILVER BAY, MINNESOTA.—A project for a harbor of refuge, Silver Bay, Minnesota.

(8) SEAWAY PIER, BUFFALO, NEW YORK.—A navigation project for construction of a floating breakwater at Seaway Pier, Buffalo, New York.

(9) TANGIER ISLAND, VIRGINIA.—A navigation project for construction of a breakwater to protect navigation facilities at Tangier Island, Virginia.

SEC. 105. SMALL FLOOD CONTROL PROJECTS.

(a) PROJECT AUTHORIZATIONS.—The Secretary shall conduct a study for each of the following projects and, after completion of such study, shall carry out the project under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s):

(1) BLUE RIVER AND BROCK CREEK, SALEM, INDIANA.—A project for flood control, West Fork of the Blue River and Brock Creek, Salem, Indiana.

(2) WHITE RIVER, ELNORA, INDIANA.—A project for flood control, White River, Elnora, Indiana.

(3) WHITE RIVER, GIBSON COUNTY, INDIANA.—A project for flood control, White River, Hazelton, Gibson County, Indiana.

(4) WHITE RIVER, PETERSBURG, INDIANA.—A project for flood control, White River, Petersburg, Indiana.

(5) WABASH RIVER, KNOX COUNTY, INDIANA.—A project for flood control Wabash River, Knox County, Indiana.

(6) RED RIVER AT GRAND MARAIS OUTLET, MINNESOTA.—A project for flood control, Red River at Grand Marais Outlet, Minnesota.

(7) SULLIVAN RUN CREEK, BUTLER, PENNSYLVANIA.—A project for flood control, Sullivan Run Creek, Butler, Pennsylvania. The non-Federal share of the cost of the project shall be determined in accordance with section 103(m) of the Water Resources Development Act of 1986.

(8) LITTLE FOSSIL CREEK, TEXAS.—A project for flood control, Little Fossil Creek, Tarrant County, Texas.

(9) TURPENTINE RUN, ST. THOMAS, VIRGIN ISLANDS.—A project for flood control, Turpentine Run, St. Thomas, Virgin Islands.

(b) KROUT'S CREEK, WEST VIRGINIA, PROJECT MODIFICATION.—Section 104(a)(4) of the Water Resources Development Act of 1990 (104 Stat. 4619) is amended by adding at the end the following: ''The benefits of the project shall be treated as exceeding the cost of the project.''.

(c) LAKE ELSINORE, CALIFORNIA.—

(1) MAXIMUM ALLOTMENT.—The maximum amount which may be allotted under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) for the project for flood control, Lake Elsinore, California, shall be $8,000,000 instead of $5,000,000. The Secretary shall revise the local cooperation agreement for such project entered into on March 27, 1992, under section 221 of the Flood Control Act of 1970 to conform with the increase under this paragraph in the Federal participation in such project.

(2) COST SHARING.—Nothing in this subsection shall be construed as affecting any cost sharing requirements applicable to the project under the Water Resources Development Act of 1986.

(d) TELEGRAPH CANYON, CHULA VISTA, CALIFORNIA.—

(1) MAXIMUM ALLOTMENT.—The maximum amount which may be allotted under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) for the project for flood control, Telegraph Canyon, Chula Vista, California, shall be $10,000,000 instead of $5,000,000. The Secretary shall revise the local cooperation agreement for such project entered into under section 221 of the Flood Control Act of 1970 to conform with the increase under this paragraph in the Federal participation in such project.

(2) COST SHARING.—Nothing in this subsection shall be construed as affecting any cost sharing requirements applicable to the project under the Water Resources Development Act of 1986.

(e) ST. PETERS, ST. CHARLES COUNTY, MISSOURI.—

(1) MAXIMUM ALLOTMENT.—The maximum amount which may be allotted under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) for the project for flood control, St. Peters, St. Charles County, Missouri, shall be $10,000,000 instead of $5,000,000. The Secretary shall revise the local cooperation agreement for such project entered into under section 221 of the Flood Control Act of 1970 to conform with the increase under this paragraph in the Federal participation in such project.

(2) COST SHARING.—Nothing in this subsection shall be construed as affecting any cost sharing requirements applicable to the project under the Water Resources Development Act of 1986.

(f) FEATHER CREEK, CLINTON, INDIANA.—The project for flood control, Feather Creek, Clinton, Indiana, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), is modified to provide that, pursuant to section 103(m) of the Water Resources Development Act of 1986, the non-Federal share of the cost of the project shall be limited to the provision of lands, easements, rights-of-way, relocations, dredged material disposal areas, existing local flood control improvements, and a cash contribution in the amount of 5 percent of the cost of construction of the project.

SEC. 106. SONOMA BAYLANDS WETLAND DEMONSTRATION PROJECT.

(a) IN GENERAL.—The Secretary is directed to develop and carry out in accordance with this section a 320-acre Sonoma Baylands wetland demonstration project in the San Francisco Bay-Delta estuary, California. The project shall utilize dredged material suitable for aquatic disposal to restore, protect, and expand the Sonoma Baylands for the purposes of preserving waterfowl, fish, and other wetland dependent species of plants and animals and to provide flood control, water quality improvement, and sedimentation control.

(b) ADDITIONAL PROJECT PURPOSES.—In addition to the purposes described in subsection (a), the purposes of the project under this section are to restore tidal wetlands, provide habitat for endangered species, expand the feeding and nesting areas for waterfowl along the Pacific flyway, and demonstrate the use of suitable dredged material

as a resource, facilitating the completion of San Francisco Bay Area dredging projects in an environmentally sound manner.

(c) PLAN.—

(1) GENERAL REQUIREMENT.—The Secretary, in cooperation with appropriate Federal and State agencies, and in accordance with applicable Federal and State environmental laws, shall develop in accordance with this subsection a plan for implementation of the Sonoma Baylands project.

(2) CONTENTS.—The plan shall include initial design and engineering, construction, general implementation, and site monitoring.

(3) PHASES.—

(A) FIRST PHASE.—The first phase of the plan for final design and engineering shall be completed not later than the last day of the 6-month period beginning on the date of the enactment of this Act.

(B) SECOND PHASE.—The second phase of the plan, including construction of on-site improvements, shall be completed not later than the last day of the 10-month period beginning on the date of the enactment of this Act.

(C) THIRD PHASE.—The third phase of the plan, including dredging, transportation, and placement of material, shall be started not later than July 1, 1994.

(D) FINAL PHASE.—The final phase of the plan shall include monitoring of project success and function and remediation if necessary.

(d) NON-FEDERAL PARTICIPATION.—

(1) NON-FEDERAL SHARE.—The non-Federal share of the cost of developing and carrying out the project under this section shall be 25 percent.

(2) LANDS EASEMENTS AND RIGHTS-OF-WAY.—Subject to paragraph (1), non-Federal interests shall provide lands, easements, and rights-of-way necessary to carry out the project the value of which shall be credited toward the non-Federal share.

(e) REPORTS TO CONGRESS.—Not later than the last day of each of the time periods referred to in subsection (c)(3), the Secretary shall report to Congress on the progress being made toward development and implementation of the project under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $15,000,000 for carrying out this section for fiscal years beginning after September 30, 1992. Such sums shall remain available until expended.

SEC. 107. UPPER MISSISSIPPI RIVER PLAN.

(a) EXTENSION OF AUTHORIZATION.—Section 1103(e) of the Water Resources Development Act of 1986 (33 U.S.C. 652(e)) is amended—

(1) in paragraph (2) by striking ''ten'' each place it appears and inserting ''15'';

(2) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively; and

(3) by inserting after paragraph (5) the following new paragraph:

''(6) TRANSFER OF AMOUNTS.—

''(A) GENERAL RULE.—Subject to subparagraph (B), for each fiscal year beginning after September 30, 1992, the Secretary, in consultation with the Secretary of the Interior, and the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, may transfer not to exceed 20 percent of the amount appropriated to carry out each of subparagraphs (A), (B), and (C) of paragraph (1) to carry out any other of such subparagraphs.

''(B) LIMITATION.—The aggregate amounts obligated in fiscal years 1988 through 2002—

''(i) to carry out paragraph (1)(A) may not exceed $189,600,000;

''(ii) to carry out paragraph (1)(B) may not exceed $78,800,000; and

''(iii) to carry out paragraph (1)(C) may not exceed $12,040,000.''.

(b) FISH AND WILDLIFE HABITAT REHABILITATION AND ENHANCEMENT PROJECTS.—Section 1103(e) of such Act is amended by striking paragraph (7)(A), as redesignated by subsection (a)(2), and inserting the following new paragraph:

''(7)(A) Notwithstanding the provisions of subsection (a)(2) of this section, the costs of each project carried out pursuant to paragraph (1)(A) of this subsection shall be allocated between the Secretary and the appropriate non-Federal sponsor in accordance with the provisions of section 906(e) of this Act; except that the costs of operation and maintenance of projects located on Federal lands or lands owned or operated by a State or local government shall be borne by the Federal, State, or local agency that is responsible for management activities for fish and wildlife on such lands.''.

SEC. 108. QUARANTINE FACILITY.

(a) CONSTRUCTION.—The Secretary, in consultation with the Governor of Florida, shall construct a research and quarantine facility in Broward County, Florida, to be used in connection with efforts to control Melaleuca and other exotic plant species that threaten native ecosystems in the State of Florida.

(b) OPERATION AND MAINTENANCE.—After construction, the Secretary shall transfer the facility constructed under this section to the Secretary of Agriculture. The facility shall be jointly maintained and operated by the Department of Agriculture and an appropriate agency or agencies of the State of Florida.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal years beginning after September 30, 1992, $3,000,000 for the construction of the facility described in subsection (a). Such sums shall remain available until expended.

SEC. 109. COLUMBIA, SNAKE, AND CLEARWATER RIVERS.

(a) DREDGING.—The Secretary is authorized to maintain navigation access to, and berthing areas at, all currently operating public and private commercial dock facilities associated with or having access to the Federal navigation project on the Columbia, Snake, and Clearwater Rivers from Bonneville Dam to and including Lewiston, Idaho, at a depth commensurate with the Federal navigation project.

(b) EXEMPTION FROM LIABILITY.—The Federal Government is exempted from any liability for damages to public and private facilities resulting from work performed under this section, including any damages to docks adjacent to the access channel and berthing areas.

SEC. 110. OUTER HARBOR, BUFFALO, NEW YORK.

The Secretary may construct such bulkheads along the Outer Harbor, Buffalo, New York, as may be necessary to protect the shoreline and reduce the flow of pollutants into Lake Erie.

SEC. 111. SMALL STREAMBANK CONTROL PROJECTS.

(a) ST. CROIX RIVER, MINNESOTA.—

(1) STUDY AND PROJECT AUTHORIZATION.—The Secretary shall conduct a study for a streambank and shoreline protection project for St. Croix River, Stillwater, Minnesota, consisting of repair and extension of a retaining wall and shall carry out such project under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r).

(2) MAXIMUM ALLOTMENT.—The maximum amount which may be allotted under section 14 of the Flood Control Act of 1946 for the project referred to in paragraph (1) shall be $2,000,000 instead of $500,000.

(3) COST SHARING.—Nothing in this section shall be construed as affecting any cost sharing requirements applicable to the project referred to in paragraph (1) under the Water Resources Development Act of 1986.

(b) WALNUT CANYON CREEK, ANAHEIM, CALIFORNIA.—The Secretary shall conduct a study for a streambank and shoreline protection project for Walnut Canyon Creek, Anaheim, California, and shall carry out such project under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r). The project shall be carried out in accordance with the locally preferred plan, and the non-Federal sponsor shall provide 100 percent of any costs incurred in carrying out the project which are in excess of the costs which would have been incurred in carrying out the project in accordance with the National Economic Development Plan developed by the Secretary.

SEC. 112. MONTGOMERY POINT LOCK AND DAM, ARKANSAS.

The Secretary shall proceed expeditiously with design, land acquisition, and construction of the Montgomery Point Lock and Dam on the White River, Arkansas, authorized as part of the McClellan-Kerr Waterway by section 10 of the River and Harbor Act of December 22, 1944 (58 Stat. 895).

SEC. 113. DELAWARE CANAL, PENNSYLVANIA.

The Secretary may participate in the preservation, renovation, and rehabilitation of the Delaware Canal in the State of Pennsylvania, at a total cost of $18,000,000, with an estimated Federal cost of $9,000,000 and an estimated non-Federal cost of $9,000,000.

SEC. 114. MAJOR REHABILITATION.

The costs of major rehabilitation of the following projects are to be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund:

(1) Brandon Road Lock, Dresden Lock, Marseille Lock, and Lockport Lock, Illinois Waterway, Illinois, authorized by the River and Harbor Act of 1930 at an estimated cost of $32,700,000.

(2) Lock and dam number 13, Mississippi River, Illinois, authorized by the River and Harbor Act of 1930 at an estimated cost of $21,280,000.

(3) Locks and dam number 15, Mississippi River, Illinois, authorized by the River and Harbor Act of 1930 at an estimated cost of $19,180,000.

SEC. 115. STUDIES.

(a) JACKSON AND DEKALB COUNTIES, ALABAMA.—

(1) STUDY.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall conduct a study of the water supply, distribution, and transmission needs and the water quality problems of Jackson and DeKalb Counties, Alabama.

(2) PURPOSES.—The purpose of the study to be conducted under paragraph (1) is to develop recommendations for Federal and non-Federal participation in solving the problems described in paragraph (1) and to identify environmentally sound water management practices for implementation of the recommendations.

(3) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the study to be conducted under paragraph (1), together with recommendations for solving the problems described in paragraph (1).

(b) CALLEGUAS CREEK, CALIFORNIA.—The Secretary shall conduct a feasibility study on Calleguas Creek, California, based on the reconnaissance phase analyses of full intensification benefits resulting from a change in agricultural practices within the floodplain to agricultural practices involving nonsubsidized crops. The study shall include an evaluation of cost-effective opportunities providing environmental protection of Mugu Lagoon and of the benefits associated with

the environmental protection and restoration of Mugu Lagoon and shall quantify agricultural benefits using both traditional and nontraditional methods.

(c) CENTRAL BASIN GROUND WATER PROJECT, CALIFORNIA.—The Secretary is authorized to conduct a study for the purpose of determining whether there is contaminated ground water flowing downstream from the San Gabriel Valley Ground Water Basin to the Central Ground Water Basin in California through existing Federal facilities at Whittier Narrows Dam, Los Angeles County, California.

(d) RANCHO PALOS VERDES, CALIFORNIA.—

(1) STUDY.—The Secretary is authorized to conduct a study on shoreline protection measures at Rancho Palos Verdes, California, seaward of Palos Verdes Drive South in the Portuguese Bend and Abalone Cove coastline areas.

(2) CONDUCT.—In conducting the study under paragraph (1) and in evaluating costs and benefits of the shoreline protection measures, the Secretary shall give consideration to measures undertaken by non-Federal interests to stabilize the Portuguese Bend area.

(e) SANTA PAULA CREEK, CALIFORNIA.—The Secretary shall complete the general reevaluation study for the project for flood control, Santa Paula Creek, California, authorized by the Flood Control Act of 1948 (62 Stat. 1175–1182), and implement measures identified as feasible in such general reevaluation study.

(f) SUCCESS RESERVOIR, TULE RIVER, CALIFORNIA.—Not later than May 31, 1994, the Secretary shall complete and transmit to Congress a feasibility study for enlargement of the flood control project for the Success Reservoir, on the Tule River, California, authorized by section 10 of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'', approved December 22, 1944 (58 Stat. 901). The study shall include a review of the need for, and desirability of, construction of an upstream toe berm for reservoir embankment stability. The Secretary shall conduct an analysis of the benefits and costs of the proposed enlargement (excluding benefits and costs associated with construction of the toe berm).

(g) DISTRICT OF COLUMBIA AND MARYLAND.—The Secretary shall, as part of the ongoing review of the Anacostia River Watershed in the District of Columbia and Maryland—

(1) carry out a comprehensive assessment of adverse impacts to such watershed from Federal facilities;

(2) review current plans for reducing such adverse impacts; and

(3) carry out a feasibility study to identify and recommend measures for implementation to eliminate such adverse impacts.

(h) CANAVERAL HARBOR, FLORIDA.—The Secretary shall expeditiously complete the General Design Memorandum for the sand transfer portion of the navigation project for Canaveral Harbor, Florida, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1174).

(i) ST. JOHN'S RIVER CHANNEL, FLORIDA.—In carrying out the feasibility study on Federal improvements to the St. John's River Channel, Florida, the Secretary shall—

(1) examine the commercial and military uses of the channel in those areas traversed by both military and commercial vessels; and

(2) coordinate the activities of the Secretary with those of the Secretary of the Navy in order to utilize available studies and resources projecting future military dredging needs in the channel.

(j) TAMPA HARBOR, ALAFIA RIVER AND BIG BEND, FLORIDA.—The Secretary shall complete in an expeditious manner that portion of the navigation study for Tampa Harbor, Alafia River and Big Bend, Florida, relating to the Alafia River. The Secretary may accept contributions from non-Federal sponsors to cover costs incurred by the Secretary in carrying out such portion of such study.

(k) CEDAR RIVER AND TRIBUTARIES, BLACKHAWK, IOWA.—The Secretary shall complete the feasibility study for Cedar River and tributaries, Blackhawk, Iowa, not later than the last day of the 18-month period beginning on the date of the enactment of this Act.

(l) CALCASIEU PARISH, LOUISIANA.—The Secretary shall conduct a study of the economic, engineering, and environmental feasibility of providing additional water supply for Calcasieu Parish and vicinity in southwest Louisiana, with a view toward providing for future regional increases in municipal and industrial water demand and for increasing agricultural production.

(m) PORT FOURCHON NAVIGATION CHANNEL, LOUISIANA.—The Secretary shall complete the study for Federal maintenance of the Port Fourchon Navigation Channel, Louisiana, not later than the last day of the 12-month period beginning on the date of the enactment of this Act.

(n) BROCKTON, MASSACHUSETTS.—

(1) IN GENERAL.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall conduct a study of—

(A) the water supply, distribution, and transmission needs of the city of Brockton, Massachusetts, for the purpose of developing recommendations for Federal participation in meeting such needs:

(B) the economic, engineering, and environmental feasibility of providing additional water supply for Brockton, Massachusetts, and vicinity in the Taunton River Basin with a view toward providing for future regional increase in municipal and industrial water demands; and

(C) the water quality and quantity and related land resources of the Taunton River for the purpose of developing a detailed survey and evaluation of existing and future uses of the resources.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under paragraph (1). The report must include, at a minimum, a recommendation for the best location of a reservoir for water supply storage on the Taunton River as well as a treatment plant and a recommendation for a route for piping the water from the treatment plant to Brown's Crossing and to Brockton.

(o) HAVERHILL, MASSACHUSETTS.—

(1) STUDY.—The Secretary shall conduct a study on proposed uses of the seawall located in Haverhill, Massachusetts.

(2) IMPLEMENTATION.—The Secretary is authorized to carry out the results of the study conducted under paragraph (1) and to provide technical assistance to non-Federal interests in developing plans for the seawall described in paragraph (1).

(3) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted and the technical assistance provided under this subsection.

(p) GRAND MARAIS HARBOR, MICHIGAN.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall conduct an economic reevaluation of proposed improvements at Grand Marais Harbor, Michigan.

(q) YAZOO BASIN, MISSISSIPPI.—

(1) REVIEW AND EVALUATION.—The Secretary shall conduct a review and evaluation of the recreational master plan for Yazoo Basin, Mississippi.

(2) PURPOSE.—The purpose of the review and evaluation to be conducted under paragraph (1) is to develop recommendations for Federal and non-Federal participation in the master plan referred to in paragraph (1).

(3) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the review and evaluation to be conducted under this subsection.

(r) LAKE LEFFERTS AND LAKE MATAWAN, NEW JERSEY.—

(1) STUDY.—The Secretary is directed to study the feasibility of rehabilitating and otherwise ensuring the integrity of the dams and impoundments that created and enlarged Lake Lefferts and Lake Matawan, New Jersey, as a means of maintaining the high quality of the environmental ecosystems therein.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $750,000 for fiscal years beginning after September 30, 1992. Such sums shall remain available until expended.

(s) LITTLE RIVER, NIAGARA FALLS, NEW YORK.—The Secretary shall complete the feasibility study for Little River, City of Niagara Falls, New York, not later than the last day of the 18-month period beginning on the date of the enactment of this Act.

(t) SHINNECOCK INLET, SUFFOLK COUNTY, NEW YORK.—The Secretary shall complete the feasibility study (including engineering and design) for the water quality project for Shinnecock Inlet, Suffolk County, New York, not later than the last day of the 18-month period beginning on the date of the enactment of this Act. Such study shall analyze alternatives to the system of barriers and bay channels and pollutants inputs to determine appropriate measures to increase circulation, reduce pollutant loading, or otherwise improve water quality.

(u) STRAWBERRY ISLAND, NEW YORK.—

(1) COMPLETION OF STUDY.—The Secretary shall complete the feasibility study of shoreline protection for Strawberry Island, New York, not later than the last day of the 18-month period beginning on the date of the enactment of this Act.

(2) INTERIM EMERGENCY MEASURES.—Pending completion of the study of shoreline protection for Strawberry Island, New York, the Secretary shall undertake such emergency measures as may be necessary to provide shoreline protection for Strawberry Island.

(v) MAHONING RIVER, OHIO.—

(1) STUDY.—The Secretary shall enter into a cooperative agreement with Youngstown State University, Youngstown, Ohio, for the purpose of conducting a study of the water and related-land resources of the Mahoning River, Ohio, for the purpose of developing a detailed survey and evaluation of existing and future uses of such resources. The study shall include an identification of contaminated areas and land use alternatives.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under this subsection.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $250,000 for fiscal years beginning after September 30, 1992.

(w) CONSTRUCTING CANAL CONNECTING LAKE ERIE AND OHIO RIVER.—

(1) STUDY.—The Secretary shall conduct a study of the feasibility of constructing a canal connecting Lake Erie and the Ohio

River, Ohio and Pennsylvania, for the purpose of navigation and shall submit to Congress a report containing the results of such study not later than 12 months after the date of the enactment of this Act. The Secretary shall cooperate with the County Engineers of Mahoning, Trumbull, and Ashtabula Counties of Ohio in conducting the study.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $1,000,000 for fiscal year 1993.

(3) EXPENDITURE OF FUNDS.—The Secretary shall expend all funds appropriated for the study under this subsection.

(x) SALMON HARBOR, OREGON.—The Federal share of the cost of completion of the study for mitigation of shoreline damage attributable to the Federal navigation project at Salmon Harbor, Oregon, authorized by section 111 of the River and Harbor Act of 1968 (82 Stat. 735), shall be 100 percent.

(y) JUNIATA RIVER, PENNSYLVANIA.—

(1) PLAN DEVELOPMENT.—The Secretary shall develop a comprehensive greenway corridor plan for the Juniata River corridor in Pennsylvania. The plan shall address improvement of water quality, creation of recreational opportunities, reduction of flood damages, and improving opportunities for economic development along the river corridor.

(2) CONSULTATION.—In developing the corridor plan, the Secretary shall consult with appropriate Federal and State agencies.

(z) HAMPTON AND POQUOSON, VIRGINIA.—

(1) STUDY.—The Secretary shall conduct independent studies to determine the Federal interest in and feasibility of providing improvements to the Chesapeake Bay shoreline in the cities of Hampton and Poquoson, Virginia, for environmental protection and enhancement, and protection against high tides and wave action as a result of hurricane and other storm events.

(2) REPORT.—The Secretary shall submit to Congress a report on the results of the studies conducted under this subsection together with a plan of action which the Secretary recommends and an estimate of the cost of implementing such plan.

(aa) TUG VALLEY GREENWAY, WEST VIRGINIA.—

(1) STUDY.—The Secretary is directed to conduct a study to determine the feasibility of establishing a ''Tug Valley Greenway'', in relation to those projects along the Tug Fork River in West Virginia authorized by section 202 of Public Law 96–367, for the purpose of utilizing the river environment for public recreation opportunities. Specific consideration shall be given in the study to providing for hiking trails, fishing access points, bike paths, and scenic overlooks.

(2) CONSULTATION.—In conducting the study under this subsection, the Secretary shall consult with interested State and local government authorities and nonprofit organizations.

(3) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under this subsection.

SEC. 116. CONTINUATION OF AUTHORIZATION OF CERTAIN PROJECTS AND STUDIES.

(a) GENERAL RULE FOR PROJECTS.—Notwithstanding section 1001 of the Water Resources Development Act of 1986, the following projects shall remain authorized to be carried out by the Secretary:

(1) SANTA CRUZ HARBOR, CALIFORNIA.—The modification for sealing the east jetty of the project for Santa Cruz Harbor, California, authorized by section 811(a) of the Water Resources Development Act of 1986 (100 Stat. 4168).

(2) LAKE PONTCHARTRAIN, NORTH SHORE, LOUISIANA.—The project for beach erosion control, navigation, and recreation, Lake Pontchartrain, North Shore, Louisiana, authorized by section 601 of the Water Resources Development of 1986 (100 Stat. 4142).

(3) ALBERT LEA LAKE, FREEBORN COUNTY, MINNESOTA.—The project for removal of silt, aquatic growth, and other material, Albert Lea Lake, Freeborn County, Minnesota, authorized by section 602 of the Water Resources Development Act of 1986 (100 Stat. 4148–4149).

(4) ST. JOHNS BAYOU AND NEW MADRID FLOODWAY, MISSOURI.—The project for flood control, St. Johns Bayou and New Madrid Floodway, Missouri, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4118).

(5) DEAL LAKE, MONMOUTH COUNTY, NEW JERSEY.—The project for removal of silt and stumps and the control of pollution from nonpoint sources, Deal Lake, Monmouth County, New Jersey, authorized by section 602 of the Water Resources Development Act of 1986 (100 Stat. 4148–4149).

(6) TYRONE, PENNSYLVANIA.—The project for flood protection, Tyrone, Pennsylvania, on the Little Juniata River authorized by section 10 of the Flood Control Act of December 23, 1944 (58 Stat. 893). The Secretary shall examine lower cost alternative measures for providing flood protection for Tyrone, Pennsylvania, and submit to Congress a report on the results of such examination not later than April 1, 1994.

(7) BIG PINE LAKE, TEXAS.—The project for flood control, Big Pine Lake, Texas, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1186).

(b) SANTA CRUZ HARBOR, CALIFORNIA, STUDY.—Notwithstanding section 710 of the Water Resources Development Act of 1986 (100 Stat. 4160), the study for Santa Cruz Harbor, Santa Cruz, California, authorized by section 811(b) of such Act (100 Stat. 4168), shall remain authorized to be carried out by the Secretary.

(c) LIMITATIONS.—

(1) FOR PROJECTS.—A project described in subsection (a) shall not be authorized for construction after the last day of the 5-year period that begins on the date of the enactment of this Act unless, during such period, funds have been obligated for the construction (including planning and design) of the project.

(2) FOR STUDIES.—The study described in subsection (b) shall not be authorized after the last day of the 5-year period that begins on the date of the enactment of this Act unless, during such period, funds have been appropriated for such study.

SEC. 117. PROJECT DEAUTHORIZATIONS.

The following projects are not authorized after the date of the enactment of this Act:

(1) BOSTON INNER HARBOR CHANNEL, MASSACHUSETTS.—The following 305,340-square-foot portion of the 35-foot channel in Boston Inner Harbor lying easterly of the Charlestown waterfront and westerly of the 40-foot main ship channel, authorized by the River and Harbor Act of June 13, 1902:

Commencing at a point of the intersection of the 35-foot channel line and the westerly 40-foot main ship channel line in Boston Harbor, said point being opposite the east face of Pier 11, Charlestown, Massachusetts; thence running south 10 degrees 17 minutes 15 seconds east 323.54 feet to a point; thence turning and running south 15 degrees 21 minutes 11 seconds west 1,785.75 feet to a point, said last two courses being along the westerly 40-foot main ship channel line; thence turning and running south 65 degrees 18 minutes 42 seconds west 573.52 feet to a point at the bend in the existing westerly 35-foot channel line southeasterly of Pier 4 at Charlestown, Massachusetts; thence turning and running north 50 degrees 11 minutes 25 seconds east 523.55 feet to a point; thence turning and running north 15 degrees 21 minutes 11 seconds east 2,016.68 feet to a point of beginning, said last two courses being along the westerly 35-foot channel line.

(2) NEWBURYPORT, MASSACHUSETTS.—The following portion of the project for navigation, Newburyport Harbor, Massachusetts, authorized by the River and Harbor Act of 1910 (36 Stat. 632):

Commencing at a point north 661793.19 east 768152.83 a line running: north 39 degrees 07 minutes 47 seconds east 227.04 feet to a point north 661969.31 east 768296.11 thence turning and running, south 68 degrees 53 minutes 36 seconds east 2402.44 feet to a point north 661104.18 east 770537.38 thence turning and running, north 84 degrees 27 minutes 35 seconds east 1325.37 feet to a point north 661232.14 east 771856.55 thence turning and running, south 54 degrees 05 minutes 43 seconds west 327.30 feet to a point north 661040.20 east 771591.44 thence turning and running, south 25 degrees 40 minutes 37 seconds west 579.02 feet to a point north 660518.31 east 771340.53 thence turning and running, north 67 degrees 15 minutes 59 seconds west 1791.61 feet to a point north 661210.67 east 769688.11 thence turning and running, north 77 degrees 45 minutes 23 seconds west 1187.30 feet to a point north 661462.46 east 768527.82 thence turning and running, north 48 degrees 35 minutes 19 seconds west 500.00 feet returning to a point north 661793.19 east 768152.83.

(3) GREILICKVILLE, MICHIGAN.—The following portion of the navigation project for Greilickville, Michigan, authorized by section 101 of the River and Harbor Act of 1948 (62 Stat. 1173):

Beginning at the northwest corner of the turning basin, Federal navigation project, Grielickville Harbor, Leelanau County, Michigan, having a northing of 1,199,300 and an easting of 529,501 (Michigan Transverse Mercator, Central Zone, NAD 27) and being depicted on the Department of the Army, Detroit District Corps of Engineers Condition of Channel, sheet 1 of 1, dated March 1991; thence 77 degrees 18 minutes 20.4 seconds a distance of 250.7 feet, thence 167 degrees 18 minutes 20.4 seconds a distance of 175 feet, thence 94 degrees 12 minutes 39.2 seconds a distance of 222.8 feet, thence 167 degrees 36 minutes 07.2 seconds a distance of 600 feet, thence 303 degrees 41 minutes 24.2 seconds a distance of 57.7 feet, thence 257 degrees 22 minutes 57.6 seconds a distance of 421.2 feet, thence 347 degrees 19 minutes 23.2 seconds a distance of 797.4 feet to the point of beginning, containing 7.48 acres more or less.

(4) SOUTH HAVEN HARBOR, MICHIGAN.—The following portion of the navigation project for South Haven Harbor, Michigan, authorized by the first section of the Act entitled ''An Act authorizing the construction, repair, and prevention of certain public works on rivers and harbors, and for other purposes'', approved August 30, 1935 (49 Stat. 1036):

Beginning at the southwest corner of the turning basin, Federal navigation project, South Haven, Van Buren County, Michigan, having a northing of 330,253.86 and an easting of 358,150.44 (Michigan Transverse Mercator, East Zone, NAD 27) and being depicted on the Department of the Army, Detroit District, Corps of Engineers, condition of channel sheet 2 of 2 dated February 1992; thence north 22 degrees 27 minutes 11 seconds east, along the westerly boundary, a distance of 412.51 feet, thence north 70 degrees 45 minutes 39 seconds east, a distance of 41.91 feet, thence south 61 degrees 05 minutes 08 seconds east, a distance of 325.77 feet, thence south 87 degrees 33 minutes 26 seconds east, a distance of 39.89 feet, thence south 43 degrees 25 minutes 55 seconds west, a distance of 110.35 feet, thence south 70 degrees 45 min-

utes 56 seconds west, a distance of 472.65 to the point of beginning (containing 2.19 acres, more or less).

(5) SAG HARBOR, NEW YORK.—The navigation project (other than the breakwater) for Sag Harbor, New York, authorized by the first section of the River and Harbor Act of August 30, 1935 (49 Stat. 1030).

SEC. 118. DEAUTHORIZATION OF A PORTION OF THE CANAVERAL HARBOR, FLORIDA, PROJECT.

Section 1080 of the Intermodel Surface Transportation Efficiency Act of 1991 (105 Stat. 2020) is amended by inserting ''thence north 00°–18′–51″ west, a distance of 764.43 feet;'' after ''551.30 feet;''.

SEC. 119. NAMINGS.

(a) LOCK AND DAM 3, ARKANSAS RIVER, ARKANSAS.—

(1) DESIGNATION.—Lock and dam numbered 3 on the Arkansas River, Arkansas, constructed as part of the project for navigation on the Arkansas River and tributaries, shall be known and designated as the ''Joe Hardin Lock and Dam''.

(2) LEGAL REFERENCES.—A reference in any law, regulation, document, record, map, or other paper of the United States to the lock and dam referred to in paragraph (1) shall be deemed to be a reference to the ''Joe Hardin Lock and Dam''.

(b) GREERS FERRY LAKE VISITORS CENTER, ARKANSAS.—

(1) DESIGNATION.—The visitors center at Greers Ferry Lake, Arkansas, authorized by section 4 of the Act of June 28, 1938 (52 Stat. 2218), shall be known and designated as the ''William Carl Garner Visitors Center''.

(2) LEGAL REFERENCES.—A reference in any law, regulation, document, record, map, or other paper of the United States to the visitors center referred to in paragraph (1) shall be deemed to be a reference to the ''William Carl Garner Visitors Center''.

(c) JOHN PAUL HAMMERSCHMIDT LAKE, ARKANSAS.—

(1) DESIGNATION.—The reservoir created by the James W. Trimble Lock and Dam on the Arkansas River, Arkansas, constructed as part of the project for navigation on the Arkansas River and tributaries, shall be known and designated as the ''John Paul Hammerschmidt Lake''.

(2) LEGAL REFERENCES.—A reference in any law, regulation, document, record, map, or other paper of the United States to the lake referred to in paragraph (1) shall be deemed to be a reference to the ''John Paul Hammerschmidt Lake''.

(d) RED RIVER WATERWAY, LOUISIANA.—

(1) DESIGNATION.—The lock numbered 5 on the Red River Waterway, Louisiana, is designated as the ''Joe D. Waggonner, Jr. Lock''.

(2) LEGAL REFERENCES.—A reference in any law, regulation, document, map, or other paper of the United States to the lock referred to in paragraph (1) shall be deemed to be a reference to the ''Joe D. Waggonner, Jr. Lock''.

(e) GALLIPOLIS LOCKS AND DAM, OHIO RIVER, OHIO AND WEST VIRGINIA.—

(1) DESIGNATION.—The Gallipolis Locks and Dam, Ohio River, Ohio and West Virginia, authorized by section 301(a) of the Water Resources Development Act of 1986 (100 Stat. 4110), shall hereafter be known and designated as the ''Robert C. Byrd Locks and Dam''.

(2) LEGAL REFERENCES.—A reference in any law, regulation, document, record, map, or other paper of the United States to the locks and dam referred to in paragraph (1) shall be deemed to be a reference to the ''Robert C. Byrd Locks and Dam''.

(f) MILL CREEK RESERVOIR, WASHINGTON.—

(1) DESIGNATION.—The Mill Creek Reservoir, authorized by section 4 of the River and Harbor Act of June 28, 1938 (52 Stat. 1222), shall hereafter be known and designated as the ''Virgil B. Bennington Lake''.

(2) LEGAL REFERENCES.—A reference in any law, regulation, document, record, map, or other paper of the United States to the reservoir referred to in paragraph (1) shall be deemed to be a reference to the ''Virgil B. Bennington Lake''.

TITLE II—GENERALLY APPLICABLE PROVISIONS

SEC. 201. COST-SHARING OF ENVIRONMENTAL PROJECTS.

Section 103(c) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(c)) is amended—

(1) by striking ''and'' at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting ''; and''; and

(3) by inserting after paragraph (6) the following new paragraph:

''(7) subject to section 906 of this Act, environmental protection and restoration: 25 percent.''.

SEC. 202. PROJECTS FOR IMPROVEMENTS OF THE ENVIRONMENT.

Section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a; 100 Stat. 4251–4252) is amended—

(1) by inserting at the end of subsection (b) the following new sentence: ''No modification shall be carried out under this section without specific authorization by Congress if the estimated cost exceeds $5,000,000.''; and

(2) in subsection (e) by striking ''$15,000,000'' and inserting ''$25,000,000''.

SEC. 203. VOLUNTARY CONTRIBUTIONS FOR ENVIRONMENTAL AND RECREATION PROJECTS.

(a) ACCEPTANCE.—In connection with carrying out a water resources project for environmental protection and restoration or a water resources project for recreation, the Secretary is authorized to accept contributions of cash, funds, materials, and services from persons, including governmental entities but excluding the project sponsor.

(b) DEPOSIT.—Any cash or funds received by the Secretary under subsection (a) shall be deposited into the account in the Treasury of the United States entitled ''Contributions and Advances, Rivers and Harbors, Corps of Engineers (8662)'' and shall be available until expended to carry out water resources projects described in subsection (a).

SEC. 204. RECONSTRUCTION OF LANDS ADVERSELY AFFECTED BY WATER RESOURCES PROJECTS.

In carrying out a water resources project, the Secretary, whenever practicable, shall reconstruct any lands adversely affected by such project to an aesthetically appealing and environmentally compatible condition upon completion of the project. Costs incurred pursuant to this section shall be assigned to project purposes as mitigation costs.

SEC. 205. BENEFICIAL USES OF DREDGED MATERIAL.

(a) IN GENERAL.—The Secretary is authorized to carry out projects for the protection, restoration, and creation of aquatic and ecologically related habitats, including wetlands, in connection with dredging for construction, operation, or maintenance by the Secretary of an authorized navigation project.

(b) SECRETARIAL FINDINGS.—Subject to subsections (c) and (d) of this section, projects for the protection, restoration, or creation of aquatic and ecologically related habitats shall be undertaken in any case where the Secretary finds that—

(1) the environmental, economic, and social benefits of the project, both monetary and nonmonetary, justify the cost thereof; and

(2) the project would not result in environmental degradation.

(c) COOPERATIVE AGREEMENT.—Any project undertaken pursuant to this section shall be initiated only after non-Federal interests have entered into a cooperative agreement according to the provisions of section 221 of the Flood Control Act of 1970. The non-Federal interests shall agree to—

(1) provide 25 percent of the cost associated with the project, including provision of all lands, easements, rights-of-way, and necessary relocations; and

(2) pay 100 percent of the costs of operation, maintenance, replacement, and rehabilitation costs associated with the project.

(d) MAXIMUM FEDERAL SHARE.—The Federal share of the cost of each project implemented under this section shall not exceed $2,000,000.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated not to exceed $15,000,000 annually to carry out this section. Such sums shall remain available until expended.

SEC. 206. DEFINITION OF REHABILITATION FOR INLAND WATERWAY PROJECTS.

For purposes of laws relating to navigation on inland and intracoastal waterways of the United States, the term ''rehabilitation'' means—

(1) major project feature restoration—

(A) which consists of structural work on an inland navigation facility operated and maintained by the Corps of Engineers;

(B) which will significantly extend the physical life of the feature;

(C) which is economically justified by a benefit-cost analysis;

(D) which will take at least 2 years to complete; and

(E)(i) which is initially funded before October 1, 1994, and will require at least $5,000,000 in capital outlays; or

(ii) which is initially funded on or after such date and will require at least $8,000,000 in capital outlays; and

(2) structural modification of a major project component (not exhibiting reliability problems)—

(A) which will enhance the operational efficiency of such component or any other major component of the project by increasing benefits beyond the original project design; and

(B) which will require at least $1,000,000 in capital outlays.

Such term does not include routine or deferred maintenance. The dollar amounts referred to in paragraphs (1) and (2) shall be adjusted annually according to the economic assumption published each year as guidance in the Annual Program and Budget Request for Civil Works Activities of the Corps of Engineers.

SEC. 207. CONSTRUCTION OF SHORELINE PROTECTION PROJECTS BY NON-FEDERAL INTERESTS.

(a) AUTHORITY.—Non-Federal interests are authorized to undertake shoreline protection projects on the coastline of the United States, subject to obtaining any permits required pursuant to Federal and State laws in advance of actual construction.

(b) STUDIES AND ENGINEERING.—

(1) BY NON-FEDERAL INTERESTS.—A non-Federal interest may prepare, for review and approval by the Secretary, the necessary studies and engineering for any construction to be undertaken under subsection (a).

(2) BY SECRETARY.—Upon request of an appropriate non-Federal interest, the Secretary may undertake all necessary studies and engineering for any construction to be undertaken under subsection (a) and provide technical assistance in obtaining all necessary permits for such construction if the non-Federal interest contracts with the Sec-

retary to furnish the United States funds for the studies and engineering during the period that the studies and engineering will be conducted.

(c) COMPLETION OF STUDIES.—The Secretary is authorized to complete and transmit to the appropriate non-Federal interests any study for shoreline protection which was initiated before the date of the enactment of this Act or, upon the request of such non-Federal interest, to terminate the study and transmit the partially completed study to the non-Federal interest for completion. Studies subject to this subsection shall be completed without regard to the requirements of subsection (b).

(d) AUTHORITY TO CARRY OUT IMPROVEMENT.—

(1) IN GENERAL.—Any non-Federal interest which has received from the Secretary pursuant to subsection (b) or (c) a favorable recommendation to carry out a shoreline protection project or separable element thereof, based on the results of completed studies and engineering for the project or element, may carry out the project or element if a final environmental impact statement has been filed for the project or element.

(2) PERMITS.—Any plan of improvement proposed to be implemented in accordance with this subsection shall be deemed to satisfy the requirements for obtaining the appropriate permits required under the Secretary's authority and such permits shall be granted subject to the non-Federal interest's acceptance of the terms and conditions of such permits if the Secretary determines that the applicable regulatory criteria and procedures have been satisfied.

(3) MONITORING.—The Secretary shall monitor any project for which permits are granted under this subsection in order to ensure that such project is constructed (and, in those cases where such activities will not be the responsibility of the Secretary, operated and maintained) in accordance with the terms and conditions of such permits.

(e) REIMBURSEMENT.—

(1) GENERAL RULE.—Subject to the enactment of appropriation Acts, the Secretary is authorized to reimburse any non-Federal interest an amount equal to the estimate of the Federal share, without interest, of the cost of any authorized shoreline protection project, or separable element thereof, constructed under this section—

(A) if, after authorization and before initiation of construction of the project or separable element, the Secretary approves the plans for construction of such project by such non-Federal interest; and

(B) if the Secretary finds, after a review of studies and engineering prepared pursuant to this section, that construction of the project or separable element is economically justified and environmentally acceptable.

(2) MATTERS TO BE CONSIDERED IN REVIEWING PLANS.—In reviewing plans under this subsection, the Secretary shall consider budgetary and programmatic priorities and other factors that the Secretary deems appropriate.

(3) MONITORING.—The Secretary shall regularly monitor and audit any project for shore protection constructed under this section by a non-Federal interest in order to ensure that such construction is in compliance with the plans approved by the Secretary and that the costs are reasonable.

(4) LIMITATION ON REIMBURSEMENTS.—No reimbursement shall be made under this section unless and until the Secretary has certified that the work for which reimbursement is requested has been performed in accordance with applicable permits or approved plans.

SEC. 208. COST-SHARING FOR DISPOSAL OF DREDGED MATERIAL ON BEACHES.

Section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j) is amended by striking the last sentence and inserting the following new sentences: ''At the request of the State, the Secretary may enter into an agreement with a political subdivision of the State to place sand on the beaches of the political subdivision of the State under the same terms and conditions required in the first sentence of this section; except that the political subdivision shall be responsible for providing any payments required under such sentence in lieu of the State. In carrying out this section, the Secretary shall give consideration to the schedule of the State, or the schedule of the responsible political subdivision of the requesting State, for providing its share of funds for placing such sand on the beaches of the State or the political subdivision and shall, to the maximum extent practicable, accommodate such schedule.''.

SEC. 209. FEES FOR DEVELOPMENT OF STATE WATER PLANS.

Section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–16) is amended—

(1) in subsection (b) by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

''(3) IN-KIND SERVICES.—Up to ½ of the non-Federal contribution for preparation of a plan subject to the cost sharing program under this subsection may be made by the provision of services, materials, supplies, or other in-kind services necessary to prepare the plan.''; and

(2) in subsection (d) by inserting ''Indian tribes,'' after ''States of the United States,''.

SEC. 210. COLLABORATIVE RESEARCH AND DEVELOPMENT.

Section 7 of the Water Resources Development Act of 1988 (33 U.S.C. 2313) is amended by adding at the end the following new subsection:

''(f) PRE-AGREEMENT TEMPORARY PROTECTION OF TECHNOLOGY.—If the Secretary determines that information developed as a result of research and development activities conducted by the Corps of Engineers is likely to be subject to a cooperative research and development agreement within 2 years of its development and that such information would be a trade secret or commercial or financial information that would be privileged or confidential if the information had been obtained from a non-Federal party participating in a cooperative research and development agreement under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980, the Secretary may provide appropriate protections against the dissemination of such information, including exemption from subchapter II of chapter 5 of title 5, United States Code, until the earlier of the date the Secretary enters into such an agreement with respect to such technology or the last day of the 2-year period beginning on the date of such determination.''.

SEC. 211. DAM SAFETY PROGRAM EXTENSION.

(a) STATE SAFETY PROGRAMS.—The first sentence of section 7(a) of Public Law 92–367 (33 U.S.C. 467f(a)) is amended by striking ''1992'' and inserting ''1998''.

(b) STATE TRAINING PROGRAMS.—The second sentence of section 11 of Public Law 92–367 (33 U.S.C. 467j) is amended by striking ''1992'' and inserting ''1998''.

(c) RESEARCH PROGRAM.—The last sentence of section 12 of Public Law 92–367 (33 U.S.C. 467k) is amended by striking ''1992'' and inserting ''1998''.

(d) DAM INVENTORY.—The second sentence of section 13 of Public Law 92–367 is amended by striking ''1992'' and inserting ''1998''.

(e) MUSSERS DAM, MIDDLE CREEK, SNYDER COUNTY, PENNSYLVANIA.—

(1) IN GENERAL.—The Secretary is authorized to provide planning, engineering and design, construction, technical, and other assistance to non-Federal interests for repair, reconstruction, or other modification to Mussers Dam, Middle Creek, Snyder County, Pennsylvania, in order to bring such dam into compliance with the safety requirements which the Federal Energy Regulatory Commission has determined to be necessary.

(2) COORDINATION.—The Secretary shall provide any assistance under paragraph (1) in coordination with the Federal Energy Regulatory Commission and State and local interests.

(3) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed as affecting or modifying—

(A) the obligations of non-Federal interests under the Federal Power Act or any license, permit, or exemption issued under such Act; or

(B) the duties and responsibilities of the Federal Energy Regulatory Commission under the Federal Power Act to require and enforce on a timely basis safety compliance with such Act and any license, permit, or exemption issued under such Act.

(f) BEAVER LAKE, ARKANSAS.—All costs incurred in carrying out the project to correct seepage problems at Beaver Lake, Arkansas, shall be treated as costs incurred for a dam safety project and shall be subject to cost sharing in accordance with section 1203 of the Water Resources Development Act of 1986.

SEC. 212. SAFETY AWARD AND PROMOTIONAL MATERIALS.

(a) PROMOTION OF SAFETY PROGRAM.—

(1) PROCUREMENT OF PROMOTIONAL MATERIALS.—The Secretary is authorized to procure materials that, in the judgment of the Secretary, are necessary to promote the Corps of Engineers safety program.

(2) DISTRIBUTION OF MATERIALS TO EMPLOYEES.—The items purchased pursuant to this subsection shall be distributed to employees of the Corps of Engineers to advance the goals of the safety program.

(b) EMPLOYEE RECOGNITION.—The Secretary is authorized to incur necessary expenses for the honorary recognition of the outstanding safety performance of employees of the Corps of Engineers. Such recognition may be in the form of certificates, plaques, cash, or other forms of awards.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $350,000 for each fiscal year beginning after September 30, 1992, for carrying out the purposes of this section.

SEC. 213. WORK FOR OTHERS.

Section 3036(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3) For purposes of this subsection, the term 'State' includes the several States, the District of Columbia, the Commonwealths of Puerto Rico and the Northern Mariana Islands, territories and possessions of the United States, and Indian tribes.''.

SEC. 214. DISCOUNT RATE FOR EVALUATION OF WATER RESOURCE PROJECTS.

Section 80(a) of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–17(a)) is amended by inserting after the first sentence the following new sentence: ''Such benefits and costs shall include inflation over the life of the project, except that this sentence does not apply to any project under the jurisdiction of the Secretary of the Interior.''.

SEC. 215. HOPPER DREDGES.

(a) LIMITATION ON ACTIONS TO REDUCE DREDGE FLEET.—Notwithstanding any other provision of law, the Secretary shall not take any action to reduce the size of the

dredge fleet of the Corps of Engineers before the last day of the 1-year period beginning on the date of submission of the report under subsection (b).

(b) COMPLETION OF REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall complete and submit to Congress a report on a minimum dredge fleet for the Corps of Engineers.

(c) CERTIFICATION.—If the report submitted to Congress under subsection (b) contains any recommendation to limit or reduce the dredge fleet of the Corps of Engineers, such report shall also contain a certification by the Secretary that such limitation or reduction—

(1) would not have a significant adverse impact on available dredging capacity necessary to undertake work at reasonable prices and in a timely manner on a local, regional, or national basis;

(2) would not result in a diminution in quality of service for any federally authorized navigation channel which is served by a dredge vessel operated by the Corps of Engineers;

(3) would not limit the ability of the Corps of Engineers to ensure a quick response to emergency dredging needs or natural disasters; and

(4) would not result in a degradation of competition for dredging services at any federally authorized navigation project.

(d) CONSULTATION.—Before submitting the report to Congress under subsection (b), the Secretary shall provide an opportunity for comment to local, regional, and national representatives of ports and other waterway user groups which may be impacted by any proposed limitation or reduction in the dredge fleet of the Corps of Engineers.

(e) COMPETITIVE DREDGING.—

(1) FISCAL YEAR 1993.—In fiscal year 1993, the Secretary shall advertise for competitive bid at least 10,000,000 cubic yards of the hopper dredge volume accomplished with government-owned dredges in fiscal year 1992 or one-third of such volume, whichever is greater.

(2) FISCAL YEARS 1994–1996.—In fiscal years 1994, 1995, and 1996, the Secretary shall further increase the hopper dredge volume advertised for competitive bid, increasing the volume as evenly as practicable over such 3-year period.

(3) BIDDING ON WORK.—The Secretary may bid on work under this subsection with government-owned vessels consistent with the methods used to implement section 3 of the Act of August 11, 1888 (33 U.S.C. 622), and section 8 of the Act of March 2, 1919 (33 U.S.C. 624).

(4) AUTHORITY OF SECRETARY TO USE FEDERAL DREDGE FLEET.—Notwithstanding the provisions of this section, the Secretary is authorized to use the dredge fleet of the Corps of Engineers to undertake projects when industry does not perform as required by the contract specifications or when the bids are more than 25 percent in excess of what the Secretary determines to be a fair and reasonable estimated cost of a well equipped contractor doing the work.

SEC. 216. USE OF PRIVATE SECTOR RESOURCES IN SURVEYING AND MAPPING.

To the maximum extent practicable, the Secretary shall make use of private sector resources in carrying out surveying and mapping activities in the Civil Works Program of the Corps of Engineers.

SEC. 217. USE OF DOMESTIC PRODUCTS.

(a) COMPLIANCE WITH BUY AMERICAN ACT.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall ensure that procurements with funds appropriated to carry out this Act are conducted in compliance with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c), popularly known as the ''Buy American Act''.

(2) LIMITATION ON APPLICABILITY.—This subsection shall apply only to procurements made for which—

(A) amounts are authorized by this Act to be made available; and

(B) solicitations for bids are issued after the date of the enactment of this Act.

(3) REPORTS.—The Secretary shall report to Congress on procurements covered under this subsection of products that are not domestic products.

(b) DEFINITIONS.—For the purposes of this section, the term ''domestic product'' means a product—

(1) that is manufactured or produced in the United States; and

(2) at least 50 percent of the cost of the articles, materials, or supplies of which are mined, produced, or manufactured in the United States.

SEC. 218. RURAL PROJECT EVALUATION AND SELECTION CRITERIA.

Not later than 18 months after the date of the enactment of this Act, the Secretary shall report to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives with specific legislative and other recommendations on—

(1) improving the equitable distribution of water resources development projects in rural areas, including recommendations for—

(A) giving greater value to properties in rural areas;

(B) making the ability to pay provision of section 103(m) of the Water Resources Development Act of 1986 apply more equitably; and

(C) giving greater value to crop lands and crops; and

(2) giving greater emphasis to—

(A) projected increases in values of property, crop lands, and crops which will result from completion of a proposed water resources development project;

(B) projected increases in the ability to pay by residents which will result from completion of a proposed water resources development project; and

(C) other benefits assumed to increase upon completion of a proposed water resources development project.

SEC. 219. COMPENSATION OF CORPS OF ENGINEERS EMPLOYEES.

(a) SPECIAL POWER RATE EMPLOYEES.—The Secretary shall conduct a comparative analysis, on a regional basis, of—

(1) the compensation (including basic wage rates and differential pay) provided to employees of the Corps of Engineers who are paid from the Corps of Engineers Special Power Rate Schedule and who are employed at water resources projects of the Corps; and

(2) the compensation provided to employees of other Federal agencies who perform duties similar to those performed by such employees of the Corps of Engineers.

(b) REGULATORY EMPLOYEES.—The Secretary shall conduct a comparative analysis of—

(1) the compensation provided to employees of the Corps of Engineers who carry out regulatory functions; and

(2) the compensation provided to employees of other Federal agencies who carry out functions similar to those performed by such employees of the Corps of Engineers;

for the purpose of determining whether or not an adjustment to the compensation provided to such employees of the Corps of Engineers is needed.

(c) PUBLIC PARTICIPATION.—In conducting the analyses under subsections (a) and (b), the Secretary shall provide opportunities for public participation.

(d) REPORTS.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the analyses conducted under subsections (a) and (b), together with any recommendations of the Secretary, and shall implement such recommendations.

SEC. 220. ELIGIBLE OPERATIONS AND MAINTENANCE FOR HARBOR DEVELOPMENT AND NAVIGATION PROJECTS.

(a) FEDERAL SHARE FOR PROVISION OF DREDGED MATERIAL DISPOSAL AREAS.—Section 101(b) of the Water Resources Development Act of 1986 (100 Stat. 4083) is amended by adding at the end the following new sentence: ''The Federal share of the cost of providing dredged material disposal areas which become reasonably necessary after the date of the enactment of the Water Resources Development Act of 1992 to maintain the width and depth of a navigation project for a harbor or inland harbor constructed by the Secretary shall be 100 percent.''.

(b) PAYMENTS DURING CONSTRUCTION.—Section 101(a) of such Act (100 Stat. 4082–4083) is amended—

(1) in paragraph (3) by inserting ''and'' before ''relocations'' the first place it appears;

(2) in paragraph (3) by striking ''), and dredged material disposal areas'' and inserting ''and dredged material disposal areas)'';

(3) by adding at the end the following new paragraph:

''(5) DREDGED MATERIAL DISPOSAL AREAS.—For purposes of paragraph (1), the costs of construction of a project or separable element thereof, on which a contract for construction has not been awarded before the date of the enactment of this paragraph, shall include costs associated with providing dredged material disposal areas necessary for the project or element (including land acquisition costs).''.

(c) APPLICABILITY.—The amendments made by subsections (a) and (b) shall apply to projects authorized to be carried out before, on, or after the date of the enactment of this Act.

SEC. 221. EXPEDITED COMPLETION OF PROJECTS.

(a) STUDY.—The Secretary shall conduct a study for the purpose of developing recommendations for expediting the study, planning, and construction of civil works projects of the Corps of Engineers.

(b) EXAMINATION OF STREAMLINE METHODS.—In conducting the study under subsection (a), the Secretary shall examine methods for streamlining the study, planning, and construction of civil works projects of the Corps of Engineers and review the management structure of the Corps of Engineers.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the study conducted under subsection (a), including a description of measures implemented by the Secretary to expedite the study, planning, and construction of civil works projects of the Corps of Engineers.

SEC. 222. CONTRACT GOALS FOR SMALL DISADVANTAGED BUSINESS CONCERNS AND HISTORICALLY BLACK COLLEGES AND UNIVERSITIES OR MINORITY INSTITUTIONS.

(a) GOAL.—Except as provided in subsection (c), the Secretary shall establish a goal of 5 percent of the total amount of Civil Works funds obligated for contracts and subcontracts entered into by the Department of the Army for fiscal year 1993 for award to small business concerns owned and controlled by socially and economically disadvantaged individuals (as defined by section 8(d) of the Small Business Act (15 U.S.C.

637(d) and regulations issued under such section), the majority of the earnings of which directly accrue to such individuals, and to historically Black colleges and universities or minority institutions (as defined by the Secretary of Education pursuant to the General Education Provisions Act (20 U.S.C. 1221 et seq.)).

(b) COMPETITIVE PROCEDURE.—To the extent practicable and when necessary to facilitate achievement of the 5 percent goal in subsection (a)—

(1) the Secretary is authorized to enter into contracts using less than full and open competitive procedures, but shall pay a price not exceeding the fair market cost by more than 10 percent in payment per contract to contractors or subcontractors of contracts described in subsection (a); and

(2) the Secretary shall maximize the number of small disadvantaged business concerns, historically Black colleges and universities, and minority institutions participating in the program.

(c) EXCEPTION.—For purposes of subsection (b), the same exception that is recognized in section 712(a) of Public Law 100–656 for set asides pursuant to section 1207 of Public Law 99–661 shall apply.

(d) APPLICABILITY.—Subsection (a) does not apply if—

(1) the Secretary determines that the existence of a national emergency requires otherwise; and

(2) the Secretary notifies the Congress of such determination and the reasons therefor.

SEC. 223. REUSE OF WASTE WATER.

(a) IN GENERAL.—The Secretary is authorized to provide assistance to non-Federal interests for carrying out projects for the beneficial reuse of waste water. Such assistance may be in the form of grants, loans, and technical, planning and design, and construction assistance. If the Secretary is to provide any design, engineering, or construction assistance to carry out a project under this section, the Secretary shall obtain by procurement from private sources all services necessary for the Secretary to provide such assistance, unless the Secretary finds that—

(1) the service would require the use of a new technology unavailable in the private sector; or

(2) a solicitation or request for proposal has failed to attract 2 or more bids or proposals.

(b) NON-FEDERAL SHARE.—The non-Federal share of the cost of projects for which assistance (other than loans) is provided under this section shall not be less than 25 percent, except that such share shall be subject to the ability of the non-Federal interest to pay, including the procedures and regulations relating to ability to pay established under section 103(m) of the Water Resources Development Act of 1986.

(c) AUTHORIZATION BY LAW.—No assistance may be provided by the Secretary to carry out a project under this section unless such project and assistance are specifically authorized by law.

(d) SANTA CLARA VALLEY WATER DISTRICT AND SAN JOSE, CALIFORNIA.—

(1) IN GENERAL.—The Secretary is authorized to make grants and loans under this section to the Santa Clara Valley Water District in San Jose, California, and to the city of San Jose, California, to demonstrate and field test for public use innovative processes which advance the technology of waste water reuse and treatment and which promote the use of treated waste water for critical water supply purposes and for the protection of fish and wildlife in the San Francisco Bay. All design, construction, and comprehensive health effects studies shall be accomplished by non-Federal interests.

(2) GRANTS.—Grants may be made under this subsection—

(A) for the design and construction of an innovative nonpotable waste water reuse treatment facility with distribution systems,

(B) for the design and construction of an innovative potable waste water reuse pilot plant, and

(C) for implementation of a comprehensive health effects study of the performance of the potable waste water reuse pilot plant.

(3) LOANS.—After the pilot plant constructed under paragraph (2) is operational, loans may be made under this subsection for the design and construction of a potable waste water reuse project, along with integration of the additional potable processes into the existing nonpotable facilities, and the extension of the distribution systems to groundwater recharge areas, if the Secretary determines that the established public health requirements and water quality goals and objectives are being met by the pilot plant, the public health and safety is not at risk as a result of the operation of the pilot plant, and the pilot plant is operating reliably. Such loans shall be for terms not to exceed 40 years, 50 percent of such loans shall be interest free loans, the remainder of such loans shall bear interest at a rate equivalent to long-term Treasury bonds plus ⅛ of 1 percent, and annual principal and interest payments on such loans shall commence no later than 1 year after completion of the potable waste water reuse project.

(4) FEDERAL SHARE.—The Federal share for grants made under paragraph (2) shall be 75 percent.

(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal years beginning after September 30, 1992—

(A) for making grants under this subsection $100,000,000; and

(B) for making loans under this subsection $200,000,000.

Such sums shall remain available until expended.

(e) SOUTHERN CALIFORNIA COMPREHENSIVE WATER REUSE SYSTEM.—

(1) IN GENERAL.—The Secretary is authorized under this section to participate in the study, engineering, design, and construction of a regional water reuse system for Southern California to treat, store, and transfer water in order to provide a new increment of water supply for agricultural, municipal, industrial, and environmental needs of Southern California.

(2) COOPERATION.—The Secretary shall carry out this subsection in cooperation with the State of California and appropriate local and regional entities.

(3) FEDERAL SHARE.—The Federal share of the costs of carrying out this subsection shall be 50 percent.

(4) REPORT.—Not later than 2 years after the date of the first appropriation of funds to carry out this subsection, the Secretary shall transmit a report on the results of the study authorized by this subsection to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives.

(5) SOUTHERN CALIFORNIA DEFINED.—For purposes of this subsection, the term ''Southern California'' means those portions of the counties of Imperial, Los Angeles, Orange, San Bernardino, Riverside, San Diego, Ventura, Santa Barbara, and San Luis Obispo, California, within the south coast, central coast, and Colorado River hydrologic regions as defined by the California Department of Water Resources.

(f) SAN DIEGO AREA WATER REUSE DEMONSTRATION FACILITIES.—

(1) IN GENERAL.—The Secretary, in cooperation with appropriate Federal, State, and local agencies, is authorized under this section to study, engineer, design, and construct water reuse facilities (in a manner not inconsistent with facilities mandated by the United States District Court in San Diego, California) to develop advance technology for economically and environmentally sound alternative water supplies for the San Diego metropolitan area.

(2) FEDERAL SHARE.—The Federal share of the costs of carrying out this subsection shall be 50 percent.

(3) REPORT.—Not later than 2 years after the date of the first appropriation of funds to carry out this subsection, the Secretary shall transmit a report on the results of the study authorized by this subsection to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives.

(g) SANTA ROSA WATER REUSE PROJECTS.—

(1) IN GENERAL.—The Secretary, in cooperation with the Administrator of the Environmental Protection Agency, is authorized under this section to participate, with the city of Santa Rosa, California, and other appropriate authorities, in the design, planning, and construction of water reuse projects to treat waste water and store such treated water for the purposes of providing new water supplies for agriculture, municipal, environmental, and other purposes and reducing the use of potable water supplies for purposes where treated waste water is a viable substitute.

(2) FEDERAL SHARE.—The Federal share of the costs of the design and planning authorized by this subsection shall be 50 percent.

(h) SOSCOL WASTEWATER TREATMENT PLANT EXPANSION.—

(1) IN GENERAL.—The Secretary, in cooperation with the Administrator of the Environmental Protection Agency, is authorized under this section to participate with the county of Napa, California, and other appropriate authorities, in the design, planning, and construction of expansion of the Soscol Wastewater Treatment Plant in such county.

(2) FEDERAL SHARE.—The Federal share of the costs of the design and planning authorized by this subsection shall be 50 percent.

(i) MONTEREY COUNTY, CALIFORNIA.—

(1) IN GENERAL.—The Secretary, in cooperation with the Monterey Regional Water Pollution Control Agency and the Monterey County Water Resources Agency, is authorized to study, engineer, design, and construct a project to reduce salt water intrusion into aquifers in the vicinity of Castroville, California, for the purposes of improving the water quality of Monterey Bay and enhancing long-term water supply in the area.

(2) FEDERAL SHARE.—The Federal share of the costs of the study, design, engineering, and construction authorized by this subsection shall be 50 percent.

SEC. 224. ENVIRONMENTAL INFRASTRUCTURE.

(a) IN GENERAL.—The Secretary is authorized to provide assistance to non-Federal interests for carrying out environmental infrastructure and resource protection and development projects for waste water treatment and related facilities and water supply, storage, treatment, and distribution facilities. Such assistance may be in the form of grants, loans, and technical, planning and design, and construction assistance. If the Secretary is to provide any design, engineering, or construction assistance to carry out a project under this section, the Secretary shall obtain by procurement from private sources all services necessary for the Secretary to provide such assistance, unless the Secretary finds that—

(1) the service would require the use of a new technology unavailable in the private sector; or

(2) a solicitation or request for proposal has failed to attract 2 or more bids or proposals.

(b) NON-FEDERAL SHARE.—The non-Federal share of the cost of projects for which assistance (other than loans) is provided under this section shall not be less than 25 percent, except that such share shall be subject to the ability of the non-Federal interest to pay, including the procedures and regulations relating to ability to pay established under section 103(m) of the Water Resources Development Act of 1986.

(c) AUTHORIZATION BY LAW.—No assistance may be provided by the Secretary to carry out a project under this section unless such project and assistance are specifically authorized by law.

(d) SPECIFICALLY AUTHORIZED PROJECTS.—The Secretary is authorized to carry out the following projects under this section:

(1) BENTON AND WASHINGTON COUNTIES, ARKANSAS.—The Secretary is authorized to provide planning, design, construction, grant, and loan assistance for a water transmission line from the northern part of Beaver Lake, Arkansas, into Benton and Washington Counties, Arkansas, at an estimated total cost of $31,000,000.

(2) WASHINGTON, D.C. AND MARYLAND.—The Secretary is authorized to provide planning, design, construction, grant, and loan assistance for measures to alleviate adverse water quality impacts resulting from storm water discharges from Federal facilities in the Anacostia River watershed, Washington, D.C. and Maryland, at an estimated total cost of $34,000,000.

(3) ATLANTA, GEORGIA.—The Secretary is authorized to make a grant in the amount of $82,000,000 to the city of Atlanta, Georgia, for construction of a combined sewer overflow treatment facility.

(4) HAZARD, KENTUCKY.—The Secretary is authorized to provide planning, engineering, design, and technical assistance to the city of Hazard, Kentucky, for construction of a water system (including a 13,000,000 gallon per day water treatment plant), intake structures, raw water pipelines and pumps, distribution lines, and pumps and storage tanks.

(5) ROUGE RIVER, MICHIGAN.—The Secretary is authorized to make a grant in the amount of $20,000,000 to assist in the completion of a comprehensive streamflow enhancement project for the Rouge River, Wayne and Washtenaw Counties, Michigan.

(6) JACKSON COUNTY, MISSISSIPPI.—The Secretary is authorized to make a grant in the amount of $8,350,000 to Jackson County, Mississippi, to provide an alternative water supply.

(7) EPPING, NEW HAMPSHIRE.—The Secretary is authorized to provide planning, engineering, design, and technical assistance to the town of Epping, New Hampshire, to evaluate and assist in addressing expanded and advanced wastewater treatment needs.

(8) MANCHESTER, NEW HAMPSHIRE.—The Secretary is authorized to make a grant in the amount of $10,000,000 to the city of Manchester, New Hampshire, to eliminate combined sewer overflows.

(9) ROCHESTER, NEW HAMPSHIRE.—The Secretary is authorized to make a grant in the amount of $11,000,000 to the city of Rochester, New Hampshire, for advanced wastewater treatment.

(10) PATERSON AND PASSAIC COUNTY, NEW JERSEY.—The Secretary is authorized to make a grant in the amount of $5,000,000 to the city of Paterson, New Jersey, and Passaic County, New Jersey, for the construction of drainage facilities to alleviate flooding problems on Getty Avenue in the vicinity of St. Joseph's Hospital.

(11) STATE OF NEW JERSEY AND NEW JERSEY WASTEWATER TREATMENT TRUST.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary is authorized to make grants under this section to the State of New Jersey to be used for making interest-free loans to those local government units that ceased the discharge of sewage sludge in the Atlantic Ocean.

(B) LIMITATIONS ON LOANS.—The State of New Jersey may only make interest free loans with funds from grants under this subsection—

(i) if such loans will be used only—

(I) for the development of innovative beneficial uses of sewage sludge; and

(II) for the design and construction of conventional and innovative facilities to dispose of sewage sludge or to make reusable products from sewage sludge;

(ii) if all amounts received in repayment of such loans will only be made available for use in the New Jersey Wastewater Treatment Financing Program; and

(iii) if the amount of any such loan to a local government unit will be matched or exceeded by market rate loans made by the New Jersey Wastewater Treatment Trust to the local government unit for carrying out the project.

(C) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph $300,000,000 for fiscal years beginning after September 30, 1992. Such sums shall remain available until expended.

(12) ERIE COUNTY, NEW YORK.—The Secretary is authorized—

(A) to make a grant in the amount of $7,000,000 to the city of Buffalo, New York, for design and construction assistance in the development and implementation of best management practices to reduce pollution from the combined sewer system in the city;

(B) to construct a tunnel from North Buffalo to the Amherst Quarry to relieve flooding and improve water quality at a total cost of $15,000,000;

(C) to construct a storm water control project on Sheridan Drive between Evans Road and Transit Road in the town of Amherst, New York, at a total cost of $5,500,000;

(D) to construct a sludge processing disposal facility to serve the Erie County Sewer District Number 5 at a total cost of $4,700,000; and

(E) to construct a resource recovery facility on South Park Avenue in the city of Buffalo at the former site of Republic Steel at a total cost of $4,000,000.

(13) OTSEGO AND CHENANGO COUNTIES, NEW YORK.—The Secretary is authorized—

(A) to provide technical and financial assistance to the village of Milford, Otsego County, New York, for development and construction of a water storage tank and an adequate water filtration system, at an estimated cost of $500,000; and

(B) to provide technical and financial assistance to the South New Berlin Water District, New Berlin, Chenango County, New York, for locating, field testing, and constructing a primary source water well and improving a water distribution system, at an estimated cost of $375,000.

(14) GREENSBORO AND GLASSWORKS, PENNSYLVANIA.—The Secretary is authorized to make a grant of $4,000,000 to appropriate non-Federal interests for construction of a sewage treatment plant for the borough of Greensboro, Pennsylvania, and the unincorporated village of Glassworks, Pennsylvania.

(15) LYNCHBURG, VIRGINIA.—The Secretary is authorized to construct a project in Lynchburg, Virginia, to alleviate combined sewer overflow at a total cost of $30,000,000. The Secretary shall construct such project in accordance with combined sewer overflow control plans adopted by, and currently being implemented by, the non-Federal sponsor.

(16) RICHMOND, VIRGINIA.—The Secretary is authorized to construct a project at Richmond, Virginia, to alleviate combined sewer overflows at a cost of $40,000,000. The Secretary shall construct such project in accordance with combined sewer overflow control plans adopted by, and currently being implemented by, the non-Federal sponsor.

(17) COLONIAS ALONG UNITED STATES-MEXICO BORDER.—The Secretary is authorized to provide planning, design, construction, grant, and loan assistance for construction of wastewater treatment facilities and construction of water systems (including water treatment plants), intake structures, raw water pipelines and pumps, distribution lines, and pumps and storage tanks for colonias in the United States along the United States-Mexico border, at an estimated total cost of $150,000,000.

SEC. 225. BEACH NOURISHMENT POLICY.

(a) PLANNING.—Section 904 of the Water Resources Development Act of 1986 (33 U.S.C. 2281; 100 Stat. 4185) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''Enhancing''; and

(2) by adding at the end the following new subsection:

''(b) COST-BENEFIT ANALYSIS.—For the purposes of formulating, evaluating, and displaying the benefits and costs (pursuant to subsection (a)) of any water resources project that involves beach renourishment or that involves inlet dredging or other navigation improvements that are likely to affect erosion patterns on beaches adjacent to such project, the Secretary shall address—

''(1) economic costs to non-Federal interests of not placing beach-quality sand on eroded or eroding beaches; and

''(2) cost savings, if any, that may be achieved by restoring or renourishing eroded or eroding beaches during a dredging or other navigation project as compared to performing such restoration or renourishment at a later date as a separate project.''.

(b) PROTECTION OF COASTAL RESOURCES AS PUBLIC INTEREST.—Section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j) is further amended by adding at the end the following new sentence: ''For purposes of this section, the Secretary shall consider the protection of coastal resources through placement of beach quality sand on beaches as being in the public interest whenever such sand would otherwise be disposed of offshore.''.

SEC. 226. LONG-RANGE PLANNING FOR BEACH NOURISHMENT AND INLET MANAGEMENT PROJECTS.

(a) PROCESS FOR DEVELOPMENT OF PLANS.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall establish by regulation a process for development of long-range plans for financing and execution of projects for beach nourishment and inlet management within each affected State.

(b) DESCRIPTION OF PROCESS.—The plan-development process established pursuant to subsection (a) shall provide for the Secretary and the State, jointly or cooperatively, to conduct studies and other actions, including at minimum—

(1) an analysis of the merits of basing beach nourishment project decisions on natural boundaries that account for physical oceanographic, meteorological, and other processes and phenomena affecting beach erosion and accretion patterns instead of basing such project decisions on local or State political boundaries;

(2) the submission by the State to the Secretary of a proposed State funding and management plan that covers a period of at least 10 years following the date of submission of such plan and that describes how the State intends to provide administrative support and financing for the non-Federal share of beach nourishment projects;

(3) a review by the Secretary of the plan submitted pursuant to paragraph (2) and ap-

proval by the Secretary of such plan, subject to such revisions to the plan as the Secretary may recommend to make the plan acceptable; and

(4) upon approval by the Secretary of such plan, submission by the Secretary of the plan to Congress with a recommendation for legislation to authorize the Secretary to proceed with implementation of the plan, which shall thereafter govern Federal-State cooperation in the management of Federal, or federally assisted beach nourishment projects in the State.

(c) AMENDMENT OR TERMINATION OF PLANS.—At the request of the Secretary or of the affected State, or not less than 1 year before a Federal-State plan established pursuant to subsection (b) expires, the Secretary and the State shall conduct additional studies or other actions described in subsection (b) with the objective of amending the Federal-State plan to the extent determined to be necessary. The Secretary shall submit the amended plan to Congress for authorization for implementation.

(d) FUNDING.—There is authorized to be appropriated for carrying out this section $1,000,000 for each of the fiscal years 1993, 1994, 1995, 1996, and 1997. Such sums shall remain available until expended.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. EXTENSION OF JURISDICTION OF MISSISSIPPI RIVER COMMISSION.

The jurisdiction of the Mississippi River Commission (established by the Act of June 29, 1879 (33 U.S.C. 641)) is extended to include the area bounded by the East Atchafalaya Basin Protection Levee, the Mississippi River Levee, and Bayou Lafourche and extending from Morganza, Louisiana, to the Gulf of Mexico, insofar as such area is affected by the flood waters of the Mississippi River.

SEC. 302. NEW YORK CITY ZEBRA MUSSEL PROGRAM.

(a) MONITORING AND PREVENTION.—

(1) IN GENERAL.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, the Director of the United States Fish and Wildlife Service, the Governor of the State of New York, and the Mayor of the city of New York, shall—

(A) develop a prevention monitoring program for zebra mussels throughout the New York City water supply system;

(B) develop appropriate zebra mussel prevention and removal technologies for the New York City water supply system; and

(C) provide technical assistance to the State of New York and the city of New York on alternative design and maintenance practices for the New York City water supply system in the event of zebra mussel infestation.

(2) COST SHARING.—The Secretary shall not initiate any monitoring, prevention, or technical assistance project or program under this subsection until appropriate non-Federal interests agree, by contract, to contribute 25 percent of the cost for such project or program during the period of such project or program.

(3) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of carrying out this subsection, there is authorized to be appropriated to the Secretary $2,000,000 for each fiscal years 1993, 1994, 1995, 1996, and 1997. Such sums shall remain available until expended.

(b) EXOTIC AQUATIC ORGANISMS.—

(1) IN GENERAL.—Section 1101(b) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4711(b)) is amended by adding at the end the following new paragraph:

''(3) The Secretary, in consultation with the Task Force—

''(A) shall provide that the regulations issued under this subsection shall apply to vessels that carry ballast water and that, after operating on the waters beyond the exclusive economic zone, enter a United States port on the Hudson River where water is characterized as having a salinity less than 18 percent; and

''(B) may provide that such regulations apply to vessels operating in other rivers, canals, lakes, and waterways where discharge of ballast water could result in the introduction and spread of aquatic nuisance species into the Great Lakes.''.

(2) SHIPPING STUDY.—Section 1102(a)(3) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4712(a)(3)) is amended by striking ''other than'' and inserting ''including''.

SEC. 303. SUSQUEHANNA RIVER, PENNSYLVANIA.

(a) WETLANDS DEMONSTRATION PROJECT.—The Secretary, in cooperation with appropriate Federal agencies, may enter into a cooperative agreement with the Earth Conservancy to develop, and carry out along the Susquehanna River between Wilkes-Barre and Sunbury, Pennsylvania, a wetlands demonstration project for the purposes—

(1) of enhancing municipal waste water treatment in the region;

(2) restoring and maintaining the physical, chemical, and biological integrity of the Susquehanna River and its tributaries as well as nearby lands; and

(3) developing cleanup technologies which can be utilized for various environmental restoration initiatives.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $4,000,000 for fiscal years beginning after September 30, 1993. Such sums shall remain available until expended.

SEC. 304. BROAD TOP REGION OF PENNSYLVANIA.

(a) WATERSHED RECLAMATION AND WETLANDS PILOT PROJECT.—The Secretary, in cooperation with appropriate Federal and State agencies, shall enter into a cooperative agreement with non-Federal interests to develop and carry out along the Juniata River and its tributaries, Pennsylvania, a watershed reclamation and protection and wetlands creation and restoration project for the purposes of—

(1) restoring and maintaining the physical, chemical, and biological integrity of Trough Creek, Stroups Run, and the Raystown Branch of the Juniata River as well as nearby lands;

(2) constructing or restoring wetlands and using other methods to treat acid mine drainage and other runoff to protect surface and ground water;

(3) enhancing municipal water supplies in the region; and

(4) developing innovative reclamation technologies, removing public safety hazards, and developing related recreation facilities for various environmental restoration and cultural resource and economic development opportunities.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $7,500,000 for fiscal years beginning after September 30, 1992. Such sums shall remain available until expended.

SEC. 305. CONSTRUCTION OF BOAT RAMPS AND DOCKS AT J. STROM THURMOND LAKE, GEORGIA.

Section 1134(e) of the Water Resources Development Act of 1986 (100 Stat. 4251) is amended by inserting ''(1)'' before ''In any case'' and by adding at the end the following new paragraph:

''(2) If a person who purchased property under paragraph (1) for replacement of property for which a lease held by such a person was terminated under this section and the property for which the lease was terminated had a boat ramp or dock, or both, the Secretary shall permit such person to construct or have constructed a boat ramp or dock, or both, as the case may be, at the replacement property. A boat ramp or dock constructed under this paragraph shall be comparable in size and configuration to, and shall be maintained in accordance with, regulations issued by the Secretary.''.

SEC. 306. WEST VIRGINIA TRAILHEAD FACILITIES.

(a) IN GENERAL.—The Secretary is authorized to construct trailhead facilities at the following projects in West Virginia:

(1) Beech Fork Lake.

(2) R.D. Bailey Lake.

(3) East Lynn Lake.

(4) Projects authorized by section 202 of Public Law 96–367.

(b) AGREEMENTS.—The Secretary is authorized to enter into such arrangements, contracts, and leases as may be necessary with public and private entities for the purposes of construction and maintenance of a network of trails, including trailside facilities, for motorized recreation use connecting the projects referred to in subsection (a).

(c) ACQUISITION OF LANDS.—The Secretary is authorized to acquire such lands and interests in land as may be necessary for the purposes of carrying out subsection (a).

SEC. 307. SEDIMENTS DECONTAMINATION TECHNOLOGY REVIEW AND DEMONSTRATION PROGRAM.

(a) IN GENERAL.—Section 412(c) of the Water Resources Development Act of 1990 (33 U.S.C. 2239 note; 104 Stat. 4650) is amended to read as follows:

''(c) SEDIMENTS DECONTAMINATION.—

''(1) TECHNOLOGY REVIEW.—The Secretary and the Administrator of the Environmental Protection Agency shall jointly select removal, pretreatment, and decontamination technologies for contaminated sediments.

''(2) DECONTAMINATION PROGRAM.—

''(A) NEW YORK/NEW JERSEY HARBOR.—Upon selection of technologies under paragraph (1), the Secretary and the Administrator shall jointly implement a 5-year demonstration program in the New York/New Jersey Harbor to assess the removal, pretreatment, and decontamination technologies selected under the review in rendering sediments safe for unrestricted ocean disposal and beneficial reuse.

''(B) RECOMMENDATIONS FOR ADDITIONAL SITES.—After the first year of implementation of the demonstration program, the Secretary and the Administrator shall jointly transmit to Congress recommendations for 1 additional site on the Gulf of Mexico, 1 additional site in the Great Lakes, and 1 additional site on the west coast for conducting the demonstration program.

''(3) ADVISORY PANEL.—The Secretary and the Administrator shall jointly establish an advisory panel composed of academic and agency scientists (including participants of the Great Lakes Assessment and Remediation of Contaminated Sediments Program) and members of environmental and port communities to advise the Secretary and the Administrator in conducting the technology review and demonstration program under this subsection, to provide professional advice to the Secretary and the Administrator, and to improve local scientific and academic community knowledge on contaminated dredge material management.

''(4) REPORT TO CONGRESS.—Not later than 1 year after the date of completion of the demonstration project conducted under this subsection, the Secretary and the Administrator shall jointly transmit to Congress a final report on the results of the demonstration program, including an assessment of the effec-

tiveness and the technical and economic feasibility of the technologies and methods demonstrated. Such report shall also contain a statement of the views of the advisory panel established under this subsection and any recommendations of the advisory panel for future applications of the demonstrated technologies.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 412(e) of such Act is amended to read as follows:

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (c) $3,000,000 for fiscal year 1993, $8,000,000 for fiscal year 1994, and $20,000,000 per fiscal year for each of fiscal years 1995, 1996, and 1997. Such sums shall remain available until expended. Of amounts appropriated pursuant to this subsection, such sums as may be necessary shall be made available for regional and environmental research laboratory project administration and supervision.''.

SEC. 308. BALTIMORE HARBOR, MARYLAND.

(a) ANALYTICAL PROCEDURES.—

(1) STUDY.—The Secretary shall conduct a study of Baltimore Harbor, Maryland, for the purpose of developing analytical procedures and criteria for contaminated dredged material in order to distinguish those materials which should be placed in containment sites from those materials which could be used in beneficial projects (such as beach nourishment, shoreline erosion control, island reclamation, and wetlands creation) or which could be placed in open waters without being chemically altered.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under this subsection.

(b) DECONTAMINATION STUDY.—

(1) STUDY.—The Secretary shall conduct a study of Baltimore Harbor, Maryland, for the purpose of determining the feasibility and necessity of decontaminating dredged materials and the feasibility of dewatering and recycling dredged materials for use as marketable products. In conducting the study, the Secretary shall consider requirements and locations for a processing or staging area, evaluate the marketability of potential products, and assess financial costs.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under this subsection.

(c) DEMONSTRATION PROJECT.—

(1) DESCRIPTION.—The Secretary shall conduct a demonstration project to assess the extent of contamination of sediments in Baltimore Harbor, Maryland, to inventory the types of sediments in such harbor, to assess the need for remedial action in such harbor, and to prioritize contaminated areas of such harbor in terms of need for remediation.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the project conducted under this subsection.

SEC. 309. TOLEDO HARBOR, OHIO.

(a) STRATEGY.—Not later than October 31, 1993, the Secretary, in coordination with the Toledo Port Authority and the Ohio Environmental Protection Agency, is directed to develop a comprehensive 5-year and 20-year sediment management strategy for Toledo Harbor, Ohio, and transmit a copy of the strategy to Congress. The strategy may include a combination of several sediment disposal and containment alternatives and shall emphasize innovative environmentally benign alternatives, including reuse and recycling for agriculturally-related uses and wetland restoration.

(b) TECHNOLOGY TRANSFER.—The Secretary is authorized and directed to conduct technology transfer of innovative sediment management techniques developed pursuant to subsection (a) through engineering and design technical assistance to other Great Lakes States and local sponsors for use at federally authorized harbors and navigation channels.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $2,000,000 for the implementation of subsection (a) for fiscal years beginning after September 30, 1993, and $3,000,000 per fiscal year for each fiscal year beginning after September 30, 1993, for the implementation of subsection (b). Such sums shall remain available until expended.

SEC. 310. REND LAKE, ILLINOIS.

The Secretary shall amend the contract between the State of Illinois and the United States for use of storage space for water supply in Rend Lake on the Big Muddy River in Illinois to relieve the State of Illinois of the requirement to make annual payments for unused water supply storage if the State, at the time of such amendment, relinquishes—

(1) its rights to future unused water supply storage in Rend Lake; and

(2) any rights which the State may have for repayment of capital expenditures the State made toward construction of the project at Rend Lake.

SEC. 311. PORTUGESE AND BUCANA RIVERS, PUERTO RICO.

Section 31 of the Water Resources Development Act of 1988 (102 Stat. 4030) is amended by striking ''temporarily residing and''.

SEC. 312. SAUK LAKE, MINNESOTA.

Section 109 of the Water Resources Development Act of 1990 (104 Stat. 4621) is amended by inserting '', operation, and maintenance'' after ''acquisition''.

SEC. 313. LITTLE GOOSE AND LOWER GRANITE, WASHINGTON.

The Secretary is directed to undertake such measures as are necessary to compensate for damages caused to public and private property by the drawdown undertaken in March 1992 by the United States Army Corps of Engineers at the Little Goose and Lower Granite projects in Washington, at a total cost of $10,000,000. The costs of such measures shall be considered project costs and shall be allocated in accordance with existing cost allocations for the Little Goose and Lower Granite projects.

SEC. 314. EXPANSION OF EDUCATIONAL FACILITIES AT DAVIDSON LABORATORY, STEVENS INSTITUTE OF TECHNOLOGY.

(a) COOPERATIVE AGREEMENT.—The Secretary shall enter into a cooperative agreement with the Alliance for Coastal Engineering at the Davidson Laboratory, Stevens Institute of Technology, Hoboken, New Jersey, for expansion of the educational facilities for the graduate program in coastal engineering, for expansion of such program, for development of a demonstration component in such facilities, and for conducting research at such facilities. Funds made available under such agreement may be used for developing techniques to improve erosion control, to enhance performance of beach replenishment projects, and to support ongoing projects in coastal pollution models.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section for fiscal years beginning after September 30, 1993, $3,000,000. Such sums shall remain available until expended.

SEC. 315. ARKANSAS WATER RESOURCES CENTER.

(a) COOPERATIVE AGREEMENT.—The Secretary shall enter into a cooperative agreement with the University of Arkansas, Fayetteville, Arkansas, for expansion of facilities and efforts at such University.

(b) USE OF FUNDS.—Funds made available under the agreement entered into under subsection (a) may be used for facilities and equipment, maintenance and supplies, staffing, training, demonstration, investigation, and monitoring activities, and other purposes to enhance knowledge and efforts relating to water quality, water resources, watershed protection, and waste management at the laboratories referred to in subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section for fiscal years beginning after September 30, 1993, $8,400,000. Such sums shall remain available until expended.

SEC. 316. LINESVILLE CREEK, PENNSYLVANIA.

(a) COOPERATIVE AGREEMENT.—The Secretary shall enter into a cooperative agreement with the University of Pittsburgh for acquisition and analysis of a 36-acre area within the Linesville Creek, Pennsylvania, watershed for the purposes of ecosystem protection, flood control, and related objectives.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section for fiscal years beginning after September 30, 1992, $100,000. Such sums shall remain available until expended.

SEC. 317. SOUTH CENTRAL PENNSYLVANIA ENVIRONMENTAL RESTORATION INFRASTRUCTURE AND RESOURCE PROTECTION DEVELOPMENT PILOT PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a pilot program for providing environmental assistance to non-Federal interests in south central Pennsylvania. Such assistance may be in the form of grants, loans, and technical, planning and design, and construction assistance for environmental infrastructure and resource protection and development projects in south central Pennsylvania, including projects for waste water treatment and related facilities, water supply, storage, treatment, and distribution facilities, and surface water resource protection and development.

(b) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(c) CONSULTATION WITH SARCD COUNCIL.—In carrying out this section, the Secretary shall consult the SARCD Council.

(d) LOCAL COOPERATION AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance (other than technical assistance) under this Act, the Secretary shall enter into a local cooperation agreement with a non-Federal interest to provide for planning, design, construction, and operation and maintenance of the project to be carried out with such assistance.

(2) REQUIREMENTS.—Each local cooperation agreement entered into under this subsection shall provide for—

(A) the payment of a local share of the total project cost of not less than 25 percent, except that such share shall be subject to the ability of the non-Federal interest to pay, including the procedures and regulations relating to ability to pay established under section 103(m) of the Water Resources Development Act of 1986;

(B) the provision of necessary lands, easements, and right-of-way owned or controlled by the non-Federal interest which may be included as part of the local contribution required under paragraph (1);

(C) the development by the Secretary, in consultation with the SARCD Council and other appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications; and

(D) the establishment of each such legal and institutional structures as are necessary to assure the effective long-term operation of the project by the non-Federal interest.

(e) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section shall be construed as waiving, limiting, or otherwise affecting the applicability of any provision of Federal or State law which would otherwise apply to a project to be carried out with assistance provided under this section.

(f) REPORT.—Not later than December 31, 1998, the Secretary shall transmit to Congress a report on the results of the pilot program carried out under this section, together with recommendations concerning whether or not such program should be implemented on a national basis.

(g) ALLOCATION OF APPROPRIATIONS.—

(1) GENERAL RULE.—Funds appropriated to carry out this section for each of fiscal years 1993 through 1998 shall be expended as follows: 50 percent for providing assistance in the Chesapeake Bay watershed area of south central Pennsylvania and 50 percent for providing assistance in the Ohio River watershed area of south central Pennsylvania.

(2) TRANSFERS.—The Secretary may expend up to 20 percent of the amounts required to be expended under paragraph (1) for providing assistance in a watershed area for providing assistance in the other watershed area referred to in paragraph (1); except that the aggregate amount expended for providing assistance in the Chesapeake Bay watershed area for fiscal years 1993 through 1998 shall be 50 percent of the aggregate of the funds appropriated to carry out this section for such fiscal years.

(h) DEFINITIONS.—For purposes of this section, the following definitions apply:

(1) SARCD COUNCIL.—The term ''SARCD Council'' means the Southern Allegheny Resource Conservation and Development Council.

(2) SOUTH CENTRAL PENNSYLVANIA.—The term ''south central Pennsylvania'' means Bedford, Blair, Cambria, Fulton, Huntingdon, and Somerset Counties, Pennsylvania.

SEC. 318. ILLINOIS AND MICHIGAN CANAL.

(a) IN GENERAL.—The Secretary is authorized to make capital improvements to the Illinois and Michigan Canal.

(b) AGREEMENTS.—The Secretary shall, with the consent of appropriate local and State entities, enter into such arrangements, contracts, and leases with public and private entities as may be necessary for the purposes of rehabilitation, renovation, preservation, and maintenance of the Illinois and Michigan Canal and its related facilities, including trailside facilities for recreational use connecting the waterways referred to in subsection (c).

(c) ILLINOIS AND MICHIGAN CANAL DEFINED.—For the purpose of this section, the ''Illinois and Michigan Canal'' consists of the following existing waterways: the east branch of the Chicago River to Lake Michigan; the south branch of the Chicago River; the Chicago Sanitary and Ship Canal; the Cal-Sag Channel; and the Entire length of those waterways designated as the Illinois and Michigan Heritage Canal between Chicago, Illinois and LaSalle/Peru, Illinois.

(d) FEDERAL SHARE.—The Federal share of the cost of capital improvements under this section shall be 50 percent.

SEC. 319. VIRGINIA BEACH, VIRGINIA, TECHNICAL AMENDMENTS.

Section 407(a) of the Water Resources Development Act of 1990 (104 Stat. 4647) is amended—

(1) by striking ''145'' and inserting ''156''; and

(2) by striking ''33 U.S.C. 426j'' and inserting ''42 U.S.C. 1962d–5f''.

SEC. 320. TRANSFER FACILITY FOR BENEFICIAL USES OF DREDGED MATERIAL, SAN FRANCISCO BAY.

(a) IN GENERAL.—The Secretary shall carry out a project in accordance with this section at the Leonard Ranch property owned by the Sonoma Land Trust and adjacent to Port Sonoma-Marin, California.

(b) PURPOSE.—The purpose of the project to be conducted under subsection (a) is to establish a transfer facility at the property described in subsection (a) for the drying and rehandling of dredged material from San Francisco Bay which is to be transported to an upland site for beneficial uses. Such uses include lining, capping, and cover material for sanitary landfills, levee maintenance, and restoration of subsided agricultural lands.

(c) PLAN.—

(1) DEVELOPMENT.—The Secretary, in cooperation with appropriate Federal, State, and local governmental entities and in accordance with applicable Federal and State environmental laws, shall develop a plan for carrying out the project under subsection (a).

(2) CONTENTS.—The plan to be developed under paragraph (1) shall include initial design and engineering plans for the project and a description of necessary environmental and financial studies on beneficial uses of dredged materials.

(3) DEADLINES.—

(A) FIRST PHASE.—The Secretary shall complete final design and engineering for the project to be conducted under this section not later than the last day of the 180-day period beginning on the date of the enactment of this Act.

(B) SECOND PHASE.—The Secretary shall begin use of the transfer facility described in subsection (b) for transport of dredged material to an upland site not later than December 31, 1993.

(d) COOPERATIVE AGREEMENTS.—Before initiating the project under subsection (a), the Secretary shall enter into a cooperative agreement with non-Federal interests in accordance with section 221 of the Flood Control Act of 1970. Under such cooperative agreement non-Federal interests shall agree to the following terms and conditions:

(1) Except as provided in paragraph (2), non-Federal interests shall provide 25 percent of the costs of the project, including provision of all lands, easements, rights-of-way, and necessary relocations.

(2) Non-Federal interests shall provide 100 percent of the costs of operation, maintenance, replacement, and rehabilitation of the project.

(e) QUALITY OF DREDGED MATERIAL.—In carrying out the project under this section, the Secretary shall ensure that the dredged material used in the project is of appropriate quality.

(f) MONITORING AND REPORT.—The Secretary shall monitor the results of the project conducted under this section and transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the project not later than 2 years after the date on which the transfer facility described in subsection (b) first becomes operational.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,000,000 for fiscal years beginning after September 30, 1992. Such sums shall remain available until expended.

SEC. 321. PIKEVILLE LAKE, KENTUCKY.

Subject to the provisions of section 1135 of the Water Resources Development Act of 1986, the Secretary is directed to develop and implement a plan for modifying the channel bypass element of the Levisa Fork, Kentucky, project for the purpose of water quality improvement in and restoration of Pikeville Lake, Kentucky, including lake restoration, elimination of stagnant water, and other measures necessary for water quality improvement.

SEC. 322. RAYSTOWN LAKE, PENNSYLVANIA.

The Secretary shall undertake a revision of the master plan for the Raystown Lake project, Pennsylvania, and submit to Congress for approval any proposed changes that significantly change uses of the Lake, the surrounding land resources, or any facilities located thereon. As part of the revision, the Secretary shall evaluate opportunities for development of portions of the Lake and adjacent lands by private parties. Pending submission to and approval by the Congress of the results of the revision, the Secretary may not make any significant land use changes at the project.

SEC. 323. SANTA ROSA PLAIN, CALIFORNIA.

The Secretary may participate with the Sonoma County Vernal Pool Task Force in developing a plan for the development and preservation of seasonal wetlands on the Santa Rosa plain in California.

SEC. 324. KLAMATH GLEN LEVEE, CALIFORNIA.

The Secretary shall correct the design deficiency at the Klamath Glen levee at the confluence of Klamath River and Tewer Creek in Del Norte County, California, that is resulting in erosion at the toe of the levee.

SEC. 325. PHOENIX, ARIZONA.

The Secretary may participate in the study and construction of a water resources project in the vicinity of Phoenix, Arizona, for the purpose of providing flood control and improving water quality in the Tres Rios wetlands, Arizona, at a total cost of $7,500,000.

SEC. 326. WATER SUPPLY NEEDS OF MAHONING VALLEY SANITARY DISTRICT, OHIO.

The Secretary shall cooperate with State and local officials in reviewing the water supply needs of the Mahoning Valley Sanitary District, Ohio. As part of such review, the Secretary shall conduct a study of current and future water allocations at Lake Milton and Neander and Berlin Reservoirs, Ohio.

SEC. 327. SAULT SAINTE MARIE, MICHIGAN.

Section 202 of the Water Resources Development Act of 1990 (104 Stat. 4632) is amended by striking ''the parcel of land'' and all that follows through the period at the end and inserting the following: ''for use as a clubhouse for the local American Legion Post of Sault Sainte Marie, Michigan, the parcel of land, with a building located thereon, lying in the north one-half of fractional Section 5, T47N, R1E, Michigan Meridian, city of Sault Sainte Marie, Chippewa County, Michigan, commencing at the northeast corner of Lot 561 of Assessors Subdivision No. 13, city of Sault Ste. Marie, Chippewa County, Michigan; thence North 24 degrees 01 minutes 00 seconds East, 128.20 feet to the point of beginning; thence North 65 degrees 59 minutes 00 seconds West, 77.30 feet; thence North 08 degrees 04 minutes 00 seconds East, 152.00 feet; thence North 30 degrees 02 minutes 00 seconds East, 40.80 feet; thence North 59 degrees 46 minutes 00 seconds East, 72.75 feet; thence South 65 degrees 59 minutes 00 seconds East, 72.30 feet; thence South 24 degrees 01 minutes 00 seconds West, 245.80 feet to the point of beginning, containing 0.565 acre more or less.''.

SEC. 328. HACKENSACK MEADOWLANDS AREA, NEW JERSEY.

(a) IN GENERAL.—The Secretary is authorized to provide assistance to the Hackensack Meadowlands Development Commission of the State of New Jersey for the development of the Phase I Environmental Improvement Program of the Special Area Management Plan for the Hackensack Meadowlands area, New Jersey. Such assistance may be in the form of construction, design, technical, and planning assistance, and financial assistance in the form of grants to the Commission.

(b) REQUIRED ELEMENTS.—The program to be developed under subsection (a) shall include at a minimum the following areas:

(1) Mitigation and enhancement for significant wetlands that contribute to the Meadowlands ecosystem.

(2) Development and implementation of a regional system to protect, preserve, and monitor wetlands.

(3) Water quality monitoring.

(4) Watershed cleanup at Bellmans and Penhorn Creeks.

(5) Storm water management research and demonstration.

(6) Tide gate improvement and reconstruction to control flooding in the Berry's Creek drainage basin.

(7) Research and development for a water quality improvement program.

(c) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated to carry out this section $15,000,000 for fiscal years beginning after September 30, 1992. Such sums shall remain available until expended.

SEC. 329. LAND EXCHANGE, ALLATOONA LAKE, GEORGIA.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall initiate a program to exchange lands above 863 feet in elevation which are excess to the operational needs of Allatoona Lake, Georgia, for lands on the north side of Allatoona Lake which are needed for wildlife management and for protection of the water quality and overall environment of Allatoona Lake.

(b) TERMS AND CONDITIONS.—Land exchanges under the program to be conducted under subsection (a) shall be subject to the following terms and conditions:

(1) Lands acquired under the program must be contiguous to the lands in Federal Government ownership on the date of the enactment of this Act.

(2) Lands acquired under the program shall be from willing sellers only.

(3) The basis for all land exchanges under the program shall be a fair market appraisal so that lands exchanged are of equal value.

SEC. 330. NEW YORK BIGHT AND HARBOR STUDY.

(a) IN GENERAL.—As a continuation of the study pursuant to section 728 of the Water Resources Development Act of 1986, the Secretary shall study a hydro-environmental monitoring and information system in the New York Bight and New York Harbor and tributaries to the head of tide, in the form of a system using computerized buoys and radio telemetry that allows for the continual monitoring (at strategically located sites throughout the New York Bight and Harbor region) of the following: wind, wave, current, salinity, and thermal gradients and sea chemistry, in order to measure the effect of changes due to air and water pollution, including changes due to continued dumping in the Bight. This effort will include the study of a verified, nested, high-resolution Harbor/Bight Apex numerical model, and supportive monitoring and information systems.

(b) HYDRAULIC MODEL.—In addition, the Secretary shall study a proper physical hydraulic model of the New York Bight and for such an offshore model to be tied into the existing inshore physical hydraulic model of the Port of New York and New Jersey operated by the United States Army Corps of Engineers.

(c) PURPOSE.—This New York Bight and Harbor effort will address the engineering, environmental, and social impacts of natural and man-made changes to the New York Bight, including water quality parameters such as contaminant and sediment transport effects, and nutrient eutrophication.

(d) COORDINATION WITH EPA; REPORTS.—The Secretary shall coordinate fully with the Administrator of the Environmental Protection Agency in carrying out the study described in the section and shall report any findings and recommendations to Congress. The Secretary and the Administrator shall also consider the views of other appropriate Federal, State, and local agencies, academic institutions, and members of the public who are concerned about water and sediment quality in the New York Bight and Harbor region.

(e) REMEDIATION TECHNIQUES.—

(1) IN GENERAL.—To test and verify contaminant and sediment tracking ability of the models, and to reduce the problems associated with the dredging and disposal of dioxin contaminated sediments in the region, a study shall be performed to identify appropriate remediation techniques (including isolation and treatment) for mitigating dioxin contaminated sediments at their sources. The study and report are not intended to encumber civil works projects under development or scheduled to be maintained. Work on these projects shall proceed along the present schedule.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate, the Committee on Public Works and Transportation of the House of Representatives, and to the State of New Jersey a report on—

(A) the dioxin study and monitoring required in this subsection; and

(B) the effectiveness and costs of all reasonable remediation measures, including recommendations as to a plan for implementation of the most time and cost-effective measure.

(f) FUNDING.—There is authorized to be appropriated not more than $4,000,000 per fiscal year for each of fiscal years 1993 and 1994 to carry out this section. Such sums shall remain available until expended.

SEC. 331. AVAILABILITY OF CONTAMINATED SEDIMENTS INFORMATION.

(a) STUDY.—The Secretary shall—

(1) conduct a national study on information that is currently available on contaminated sediments of the surface waters of the United States; and

(2) compile information obtained in such study for the purpose of identifying the location and nature of contaminated sediments in the Nation.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the study conducted under subsection (a), including recommendations for the collection of additional data on the contaminated sediments and including the compilation of information referred to in subsection (a).

SEC. 332. MILWAUKEE HARBOR, WISCONSIN.

(a) IN GENERAL.—The Secretary is authorized to cooperate with non-Federal interests in the completion of a study on contaminated sediments in Milwaukee Harbor, Wisconsin, and surrounding areas.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $200,000 for fiscal years beginning after September 30, 1992. Such sums shall remain available until expended.

SEC. 333. ARTHUR KILL, NEW YORK AND NEW JERSEY.

The Secretary shall complete planning, design, and construction of the project for navigation, Arthur Kill, New York and New Jersey, authorized by section 202(b) of the Water Resources Development Act of 1986 (100 Stat. 4098).

SEC. 334. HARBOR MAINTENANCE TRUST FUND DEPOSITS AND EXPENDITURES.

(a) REPORT.—Not later than March 1, 1993, and annually thereafter, the President shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on expenditures from and deposits into the Harbor Maintenance Trust Fund.

(b) CONTENTS.—

(1) IN GENERAL.—Each report to be transmitted under subsection (a) shall contain the following:

(A) A description of expenditures made from the trust fund in the previous fiscal year on a project-by-project basis.

(B) A description of deposits made into the trust fund in the previous fiscal year and the sources of such deposits.

(C) A 5-year projection of expenditures from and deposits into the trust fund.

(2) PREVIOUS YEARS INFORMATION.—In addition to information required under paragraph (1), the initial report to be transmitted under subsection (a) shall contain the information described in subparagraphs (A) and (B) of paragraph (1) for fiscal years 1987 through 1992.

SEC. 335. CONEMAUGH RIVER BASIN, PENNSYLVANIA.

The Secretary, in cooperation with Federal, State, and local agencies, is authorized—

(1) to conduct investigations and surveys of the watersheds of the rivers in the Conemaugh River Basin, Pennsylvania; and

(2) to develop and implement restoration projects for abatement and mitigation of surface water quality degradation caused by abandoned mines and mining activity in such basin.

SEC. 336. GREAT LAKES INFORMATION CLEARINGHOUSE AND REPOSITORY.

(a) COOPERATIVE AGREEMENT.—The Secretary shall enter into a cooperative agreement with the University at Buffalo under which the Secretary will assist the Great Lakes Program and the National Center for Geographic Information Analysis of such university in establishing an information clearinghouse and repository for spatial and attribute data concerning the Great Lakes watershed.

(b) FUNCTION.—The clearinghouse and repository referred to in subsection (a) shall assist Federal and State agencies in assessing and analyzing Great Lakes data for management of Great Lakes resources.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,000,000 per fiscal year for fiscal years 1993, 1994, 1995, 1996, and 1997. Such sums shall remain available until expended.

SEC. 337. TRANSFER OF LOCKS AND APPURTENANT FEATURES, FOX RIVER SYSTEM, WISCONSIN.

(a) TRANSFER.—The Secretary is authorized to transfer to the State of Wisconsin the locks and appurtenant features of the navigation portion of the Fox River System, Wisconsin, extending from Green Bay, Wisconsin, to Lake Winnebago, Wisconsin, subject to the execution of an agreement by the Secretary and the State of Wisconsin which specifies the terms and conditions for such transfer.

(b) TREATMENT OF LOCKS AND APPURTENANT FEATURES.—The locks and appurtenant features to be transferred under subsection (a) shall not be treated as part of any Federal project after the effective date of the transfer.

(c) OPERATION AND MAINTENANCE.—Operation and maintenance of all features of the Fox River System, Wisconsin, other than the locks and appurtenant features to be trans-

ferred under subsection (a), shall continue to be a Federal responsibility after the effective date of the transfer under subsection (a).

SEC. 338. FISH AND WILDLIFE MITIGATION.

(a) LANDS, EASEMENTS, RIGHTS-OF-WAY, AND RELOCATIONS.—Section 906(c) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(c)) is amended by inserting ", including lands, easements, rights-of-way, and relocations," before "for implementation and operation".

(b) CONFORMING AMENDMENTS.—

(1) HARBORS.—Section 101(a)(3) of such Act (33 U.S.C. 2211(a)(3)) is amended by striking "The non-Federal" and inserting "Except as provided under section 906(c), the non-Federal".

(2) FLOOD CONTROL AND OTHER PURPOSES.—Section 103(i) of such Act (33 U.S.C. 2213(i)) is amended by striking "The non-Federal" and inserting "Except as provided under section 906(c), the non-Federal".

SEC. 339. CHESAPEAKE BAY BENEFICIAL USE SITE MANAGEMENT.

(a) STUDY.—The Secretary is authorized to conduct a study on environmentally beneficial ways to expand or supplement existing placement options and sites serving channel dredging operations of the Port of Baltimore. Such study shall enhance an ongoing long-term management study for the Chesapeake Bay area being conducted by the State of Maryland and the Secretary.

(b) CONDUCT.—In conducting the study under subsection (a), the Secretary shall—

(1) in coordination with Federal agencies and the Maryland Port Administration, demonstrate beneficial uses of dredged materials to enhance public recreational opportunities, increase living resource habitats, and enhance the environmental quality of the Chesapeake Bay;

(2) identify areas for beneficial use placement of dredged materials to enable the Port of Baltimore to continue maintenance dredging until a long-term management study recommends viable alternatives; and

(3) develop options for beneficial use placement of dredged materials for each site identified under paragraph (2).

(c) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the study conducted under subsection (a).

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,000,000 for fiscal years beginning after September 30, 1992. Such sums shall remain available until expended.

SEC. 340. DECLARATION OF NONNAVIGABILITY FOR PORTIONS OF CUYAHOGA COUNTY, OHIO.

(a) AREA TO BE DECLARED NONNAVIGABLE; PUBLIC INTEREST.—Unless the Secretary finds, after consultation with local and regional public officials (including local and regional public planning organizations), that the proposed projects to be undertaken within the boundaries in the portions of the county of Cuyahoga, Ohio, described as follows, are not in the public interest then, subject to subsections (b) and (c), those portions of such county, bounded and described as follows, are declared to be nonnavigable waters of the United States:

Situated in the city of Cleveland, county of Cuyahoga, and State of Ohio, T7N, R13W, and known as being a part of original two acre lots numbers 16, 17, 18, 19, and 20 and the northerly extensions thereof, and being more fully described as follows:

Beginning at the intersection of the centerline of East 9th Street (99 feet wide) with the centerline of Relocated Erieside Avenue, N.E. (70 feet wide); thence south 56 degrees 06 minutes 52 seconds west on the centerline of Relocated Erieside Avenue, N.E., a distance of 112.89 feet to a point; thence north 33 degrees 53 minutes 08 seconds west a distance of 35.00 feet to a ⅝ inch rebar on the northwesterly right-of-way line of Relocated Erieside Avenue, N.E.; thence southwesterly on the northwesterly right-of-way line of Relocated Erieside Avenue, N.E., along the arc of a curve to the left, with a radius of 335.00 feet and whose chord bears south 42 degrees 36 minutes 52 seconds west 156.41 feet, an arc distance of 157.87 feet to a ⅝-inch rebar; thence south 29 degrees 06 minutes 52 seconds west on the northwesterly right-of-way line of Relocated Erieside Avenue, N.E., a distance of 119.39 feet to a ⅝-inch rebar; thence southwesterly on the northwesterly right-of-way line of Relocated Erieside Avenue, N.E., along the arc of a curve to the right, with a radius of 665.00 feet and whose chord bears south 39 degrees, 49 minutes 33 seconds west 247.19 feet, an arc distance of 248.64 feet to a ⅝-inch rebar and the true place of beginning of the parcel herein described; thence southwesterly on the northwesterly right-of-way line of Relocated Erieside Avenue, N.E., along the arc of a curve to the right, with a radius of 665.00 feet and whose chord bears south 53 degrees, 17 minutes 33 seconds west 64.05 feet, an arc distance of 64.08 feet to a ⅝-rebar set; thence south 56 degrees 03 minutes 30 seconds west on the northwesterly right-of-way line of Relocated Erieside Avenue, N.E., a distance of 248.38 feet to a ⅝-rebar set; thence northwesterly on the northeasterly right-of-way line of Relocated Erieside Avenue, N.E., along the arc of a curve to the right, with a radius of 265.00 feet and whose chord bears north 79 degrees 02 minutes 42 seconds west 374.09 feet, an arc distance of 415.31 feet to a drill hole set; thence north 34 degrees 08 minutes 55 seconds west on the northeasterly right-of-way line of Relocated Erieside Avenue, N.E., a distance of 505.30 feet to a ⅝-inch rebar set; thence northwesterly on the northeasterly right-of-way line of Relocated Erieside Avenue, N.E., along the arc of a curve to the left, with a radius of 112.00 feet and whose chord bears north 40 degrees 32 minutes 41 seconds west 24.95 feet, an arc distance of 25.01 feet to a drill hole set on the southerly right-of-way line of former Erieside Avenue, as vacated by city of Cleveland Ordinance No. 1100–87, passed June 16, 1987; thence northeasterly on the former right-of-way line along the arc of a curve to the right, with a radius of 515.00 feet and whose chord bears north 75 degrees 36 minutes 18 seconds east 136.45 feet, an arc distance of 136.85 feet to a ⅝-inch rebar set; thence north 86 degrees 13 minutes 04 seconds east on said former right-of-way line a distance of 294.57 feet to a ⅝-inch rebar set; thence north 52 degrees 57 minutes 23 seconds east on said former right-of-way line a distance of 56.98 feet to a ⅝-inch rebar set; thence south 33 degrees 53 minutes 08 seconds east a distance of 244.65 feet to a ⅝-inch rebar set; thence south 78 degrees 53 minutes 08 seconds east a distance of 105.04 feet to a ⅝-inch rebar set; thence north 56 degrees 06 minutes 52 seconds east a distance of 70.75 feet to a ⅝-inch rebar set; thence south 33 degrees 53 minutes 08 seconds east a distance of 274.74 feet to the true place of beginning containing 325,706 square feet (7.477 acres) more or less.

(b) LIMITS ON APPLICABILITY; REGULATORY REQUIREMENTS.—The declaration under subsection (a) shall apply to those parts of the areas described in subsection (a) which are or will be bulkheaded and filled or otherwise occupied by permanent structures, including marina facilities. All such work is subject to all applicable Federal statutes and regulations, including sections 9 and 10 of the Act of March 3, 1899 (30 Stat. 1151; 33 U.S.C. 401 and 403), commonly known as the River and Harbor Appropriation Act of 1899, section 404 of the Federal Water Pollution Control Act, and the National Environmental Policy Act of 1969.

(c) EXPIRATION DATE.—If, 20 years from the date of the enactment of this Act, any area or part thereof described in subsection (a) is not bulkheaded or filled or occupied by permanent structures, including marina facilities, in accordance with the requirements set forth in subsection (b), or if work in connection with any activity permitted in subsection (b) is not commenced within 5 years after issuance of such permits, then the declaration of nonnavigability for such area or part thereof shall expire.

SEC. 341. LAND CONVEYANCE, WHITTIER NARROWS DAM, LOS ANGELES COUNTY, CALIFORNIA.

(a) IN GENERAL.—Except as provided in subsection (c), the Secretary shall, on or before September 30, 1993, convey to South El Monte Associates, L.P. all right, title, and interest of the United States to the property described in subsection (b)(1) as consideration for—

(1) all right, title, and interest of South El Monte Associates, L.P. in the property described in subsection (b)(2); and

(2) an amount equal to any difference in the fair market value of the property described in subsection (b)(1) and the property described in subsection (b)(2), if the fair market value of the property described in subsection (b)(1) is determined to be greater than the fair market value of the property described in subsection (b)(2) in accordance with subsection (f).

All amounts received by the Secretary under this subsection shall be deposited in the general fund of the Treasury.

(b) PROPERTY DESCRIPTIONS.—

(1) UNITED STATES PROPERTY.—The property described in this paragraph is the approximately 9.02 acres of land owned by the United States and located within the Whittier Narrows Flood Control Basin, south of the Pomona Freeway (State Route 60) and east of Santa Anita Avenue in the city of South El Monte, California.

(2) SOUTH EL MONTE ASSOCIATES, L.P. PROPERTY.—The property described in this paragraph is the approximately 9.02 acres of land owned by South El Monte Associates, L.P. and located within the Whittier Narrows Flood Control Basin, adjacent to the property described in paragraph (1).

(c) DETERMINATION.—The Secretary shall not be required to convey any property under subsection (a) if the Secretary determines, on or before the 90th day after the date of the enactment of this Act, that the conveyance is contrary to the best interests of the United States.

(d) TERMS AND CONDITIONS.—The land conveyance to be carried out under subsection (a) shall be subject to the following terms and conditions:

(1) The United States will be granted a perpetual easement which enables the Secretary to carry out any necessary flood control activities with respect to the property described in subsection (b)(1) after such exchange.

(2) South El Monte Associates, L.P. will be granted permission to remove 100,000 cubic yards of earth from the property described in subsection (b)(2), if South El Monte Associates, L.P. ensures that any cut and fill of the reservoir lands within the Whittier Narrows Flood Control Basin will be balanced so as not to reduce the storage capacity and level of protection of the Whittier Narrows Dam and Reservoir or impede the passage of floodflows.

(e) LEGAL DESCRIPTIONS.—The exact location, area, and legal descriptions of the properties described in subsections (b)(1) and (2) shall be determined by survey by a registered civil engineer at a cost to be incurred by South El Monte Associates, L.P.

(f) FAIR MARKET VALUE.—For the purposes of subsection (a), the fair market value of the properties described in subsections (b)(1) and (2) shall be determined by an independent appraiser at a cost to be incurred by South El Monte Associates, L.P.

(g) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as affecting the application of any other Federal law, including sections 9 and 10 of the Act of March 3, 1899 (30 Stat. 1151; 33 U.S.C. 401 and 404), section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344), and the National Environmental Policy Act of 1969.

SEC. 342. LOCKWOODS FOLLY RIVER, BRUNSWICK COUNTY, NORTH CAROLINA.

The Secretary shall carry out an exchange rate demonstration project under section 1135 of the Water Resources Development Act of 1986 (100 Stat. 4251) at the Eastern Channel of the Lockwoods Folly River, Brunswick County, North Carolina.

SEC. 343. LAKE RESOURCE INSTITUTE, STORM LAKE, IOWA.

(a) PARTICIPATION.—The Secretary is authorized to participate in constructing and equipping the Lake Resource Institute, Buena Vista College at Storm Lake, Iowa. Such participation shall be for the purpose of enhancing regional and national efforts to protect surface and ground water resources, particularly from nonpoint source pollution, and increasing the utilization of water for industry, agriculture, and recreation.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $6,500,000 for fiscal years beginning after September 30, 1992.

SEC. 344. CANAVERAL PORT AUTHORITY REIMBURSEMENT.

The Secretary is authorized to reimburse the Canaveral Port Authority an amount equal to the estimate of the Federal share of the cost of widening the West Turning Basin, Port Canaveral, Florida, if the work performed by the Port Authority is consistent with the plans and recommendations contained in the report entitled ''Canaveral Harbor, West Channel, Florida'', as approved by the Secretary. Nothing in this section shall be construed as waiving any requirement that the Port Authority obtain any permit required under Federal or State law.

SEC. 345. PORT EVERGLADES, FLORIDA.

(a) DETERMINATION.—The Secretary shall review the construction performed by non-Federal interests at the project for navigation, Port Everglades, Florida, to determine the Federal navigation interest in such work.

(b) REIMBURSEMENT.—If the Secretary determines under subsection (a) that the work performed by non-Federal interests is consistent with the Federal navigation interest, the Secretary may reimburse non-Federal interests an amount equal to the estimate of the Federal share of the cost of construction of the Southport channel and turning notch at Port Everglades, Florida.

SEC. 346. 1993 WORLD UNIVERSITY GAMES.

The Secretary is authorized to use available resources (both personnel and material) to the greatest extent possible to support the logistical and minor construction needs of the local organizing committee of the 1993 World University Games in Western New York for the purpose of supplementing the involvement by the Secretary in the games requested by the Department of Defense, Office of Special Events Management.

SEC. 347. NUISANCE AQUATIC VEGETATION IN LAKE GASTON, VIRGINIA AND NORTH CAROLINA.

(a) IN GENERAL.—The Secretary is authorized to undertake a program to control nuisance aquatic vegetation for the purpose of preserving the recreational uses of the waters of Lake Gaston, Virginia and North Carolina.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Federal share of the cost of the program authorized by this section $200,000 per fiscal year for each of fiscal years 1993 and 1994.

SEC. 348. SOUTHERN WEST VIRGINIA ENVIRONMENTAL RESTORATION INFRASTRUCTURE AND RESOURCE PROTECTION DEVELOPMENT PILOT PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a pilot program for providing environmental assistance to non-Federal interests in southern West Virginia. Such assistance may be in the form of grants, loans, and technical, planning and design, and construction assistance for environmental infrastructure and resource protection and development projects in southern West Virginia, including projects for waste water treatment and related facilities, water supply, storage, treatment, and distribution facilities, and surface water resource protection and development.

(b) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(c) LOCAL COOPERATION AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance (other than technical assistance) under this Act, the Secretary shall enter into a local cooperation agreement with a non-Federal interest to provide for planning, design, construction, and operation and maintenance of the project to be carried out with such assistance.

(2) REQUIREMENTS.—Each local cooperation agreement entered into under this subsection shall provide for—

(A) the payment of a local share of the total project cost of not less than 25 percent, except that such share shall be subject to the ability of the non-Federal interest to pay, including the procedures and regulations relating to ability to pay established under section 103(m) of the Water Resources Development Act of 1986;

(B) the provision of necessary lands, easements, and right-of-way owned or controlled by the non-Federal interest which may be included as part of the local contribution required under paragraph (1);

(C) the development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications; and

(D) the establishment of each such legal and institutional structures as are necessary to assure the effective long-term operation of the project by the non-Federal interest.

(d) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section shall be construed as waiving, limiting, or otherwise affecting the applicability of any provision of Federal or State law which would otherwise apply to a project to be carried out with assistance provided under this section.

(e) REPORT.—Not later than December 31, 1998, the Secretary shall transmit to Congress a report on the results of the pilot program carried out under this section, together with recommendations concerning whether or not such program should be implemented on a national basis.

(f) SOUTHERN WEST VIRGINIA DEFINED.—For purposes of this section, the term ''Southern West Virginia'' means Raleigh, Wayne, Cabell, Fayette, Lincoln, Summers, Wyoming, Webster, Mingo, McDowell, Logan, Boone, Mercer, Pocahontas, Greenbrier, and Monroe Counties, West Virginia.

SEC. 349. TENNESSEE RIVER HERITAGE MUSEUM AND EDUCATION FACILITY.

The Tennessee Valley Authority is authorized to establish a facility to be known as the ''Tennessee River Heritage Museum and Education Facility'' for the purpose of encouraging science and technology as it relates to developing, managing, and preserving rivers as a nationally significant resource.

SEC. 350. TENNESSEE VALLEY EXHIBIT COMMISSION OF ALABAMA.

(a) COOPERATION BY TENNESSEE VALLEY AUTHORITY.—The Tennessee Valley Authority shall cooperate with the Tennessee Valley Exhibit Commission of Alabama to establish an exhibit in Florence, Alabama, on research and development in the area of inland navigation, tributary development and related activities.

(b) CONTRIBUTIONS.—The Tennessee Valley Authority may accept contributions from private sources in carrying out this section.

SEC. 351. RED ROCK DAM AND LAKE, IOWA.

(a) STUDY.—The Comptroller General shall conduct a study to review the operation of the project for flood control, Red Rock Dam and Lake, Iowa, authorized by the Flood Control Act of June 28, 1938.

(b) PURPOSE.—The purpose of the study to be conducted under subsection (a) shall be—

(1) to determine whether the property adjacent to the project referred to in subsection (a) is being inundated by high reservoir levels beyond the levels permitted by existing easements; and

(2) to review actions taken by the Secretary to implement the requirement contained in section 108(b) of Public Law 99–190 (99 Stat. 1316).

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the study conducted under this section, including recommendations on whether easements of the Secretary referred to in subsection (b)(1) should be renegotiated with landowners.

SEC. 352. ENVIRONMENTAL PROJECT MODIFICATIONS, SACRAMENTO RIVER, CALIFORNIA.

(a) IN GENERAL.—In carrying out modifications, under section 1135(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2294 note), in the structures and operations of the project for flood control, Sacramento River, California, authorized by section 2 of the Flood Control Act of 1917 (39 Stat. 949), for the purpose of improving the quality of the environment in the public interest, the Secretary shall—

(1) credit the value of all lands, easements, and rights-of-way provided by non-Federal interests for such modifications to the non-Federal share of the cost of such modifications;

(2) treat construction of operation and maintenance facilities for such modifications as a feature of such modifications for the purpose of cost sharing; and

(3) in addition to the plan contained in the Yolo Basin Wetlands Project Modification Report dated April 1992, plan, design, and construct as part of such modifications historical wetlands at an alternative site located contiguous to the Yolo Bypass, immediately east of the Davis Water Pollution Control Plant, and along the north side of the Willow Slough Bypass.

(b) REPORT DEADLINE.—The Secretary shall complete a project modification report to

carry out subsection (a)(3) on or before September 30, 1993.

SEC. 353. BANK STABILIZATION AND MARSH CREATION.

(a) STUDY.—The Secretary shall conduct a study on bank stabilization and marsh creation by construction of a system of retaining dikes and by beneficial use of dredged material along the Calcasieu River Ship Canal, Louisiana, at critical locations.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the study conducted under subsection (a), including recommendations for specific measures to be undertaken under section 205 of this Act (relating to beneficial uses of dredged material) as a result of such study.

SEC. 354. SACO RIVER, NORTH CONWAY, NEW HAMPSHIRE.

The Secretary, in cooperation with appropriate Federal and State agencies and other non-Federal interests, shall develop and carry out a wetlands creation and water quality demonstration project along the Saco River in the vicinity of North Conway, New Hampshire, at a total cost of $10,000,000.

SEC. 355. CONNECTICUT COASTAL SALTMARSH RESTORATION AUTHORIZATION.

Subject to the cost sharing provisions of the Water Resources Development Act of 1986, the Secretary shall, as part of the long term goal of Corps of Engineers water resources development program of increasing the quality and quantity of the Nation's wetlands, investigate and carry out saltmarsh restoration projects along the coastline of the State of Connecticut.

SEC. 356. LAKE GEORGE, INDIANA.

The Secretary, in cooperation with the Soil Conservation Service of the Department of Agriculture, shall develop a watershed management plan for the Lake George area of Indiana. The plan developed by the Secretary shall address specific concerns related to the Deep River Basin area, including sediment flow into Deep River, Turkey Creek, and other tributaries; control of sediment quality in Lake George; flooding problems; the safety of the Lake George Dam; and wetlands management.

SEC. 357. LAKES PROGRAM.

Section 602(a) of the Water Resources Development Act of 1986 (100 Stat. 4148–4149) is amended—

(1) by striking ''and'' at the end of paragraph (10);

(2) by striking the period at the end of paragraph (11) and inserting a semicolon; and

(3) by inserting after paragraph (11) the following new paragraphs:

''(12) Aquabi Lake, Iowa, removal of silt and aquatic growth;

''(13) Pine Lake, Iowa, removal of silt and aquatic growth;

''(14) Lake Miami, Iowa, removal of silt and aquatic growth; and

''(15) Wesley Lake, New Jersey, removal of silt and water quality improvement.''.

SEC. 358. GREAT LAKES SEDIMENT REDUCTION.

(a) GREAT LAKES TRIBUTARY SEDIMENT TRANSPORT MODELS.—

(1) IN GENERAL.—For each major river system or set of major river systems depositing sediment into a Great Lakes federally authorized commercial harbor, channel maintenance project site, or area of concern, the Secretary, in cooperation and coordination with the Administrator and in consultation and coordination with the Great Lakes States, the heads of the Soil Conservation Service of the Department of Agriculture, the Geological Survey, and the United States Fish and Wildlife Service of the Department of the Interior, and the International Joint Commission, shall develop a tributary sediment transport model which shall—

(A) measure stream discharge rates, total suspended solids loadings, and bedload transport;

(B) measure additional parameters, such as nitrates, phosphates, persistent toxic substances, and heavy metals, on a river-by-river basis in accordance with any agreement between the Secretary, the Administrator, the host State, and any other relevant non-Federal entity;

(C) estimate the percentage of total sediment loadings into such harbors, channels, and areas of concern originating from each subwatershed of a river system; and

(D) characterize the physical nature of the sediment materials.

(2) REQUIREMENTS FOR MODELS.—In developing such tributary sediment transport models, the Secretary shall—

(A) coordinate tributary sediment transport modeling efforts with the efforts of the Administrator to produce comprehensive Lakewide Management Plans, Remedial Action Plans, and mass balance models;

(B) build upon data and monitoring infrastructure generated in earlier studies and programs; and

(C) complete models for 30 major river systems within a 5-year period.

(b) SEDIMENT LOAD REDUCTION.—

(1) IN GENERAL.—

(A) MODEL.—Not later than 18 months after the date of the enactment of this section, the Secretary, with the concurrence of the Administrator and in consultation and coordination with the Great Lakes States, the heads of the Soil Conservation Service of the Department of Agriculture, the Geologic Survey of the Department of the Interior, and other relevant Federal agencies, shall—

(i) develop an analytical method to project the effectiveness and efficiency of sediment source reduction approaches and scenarios in reducing upstream sediment loadings into specific Great Lakes federally authorized commercial harbors, channel maintenance project sites, and areas of concern;

(ii) for each model developed under subsection (a), use the method described in clause (i) to conduct sediment load reduction analyses to estimate the potential effectiveness and efficiency of upstream sediment source reduction approaches and scenarios to reduce sedimentation in Great Lakes federally authorized commercial harbors, channel maintenance sites, and areas of concern; and

(iii) provide sediment load reduction analysis information to States upon request regarding river systems within their jurisdiction.

(B) DEVELOPMENT AND APPLICATION.—In developing and using such analyses, the Secretary shall consider only those sediment reduction approaches and scenarios which are consistent with the guidance issued pursuant to section 6217(g) of the Omnibus Budget Reconciliation Act of 1990 (16 U.S.C. 1455b(g)), relevant Federal and State nonpoint source pollution control programs, and the recommendations of any relevant Remedial Action Plans and programs and measures contained in Annex 3, and its supplement, of the Great Lakes Water Quality Agreement.

(2) LOAD REDUCTION GRANTS.—The Secretary, with the concurrence of the Administrator, shall make grants available to States for projects to reduce erosion that leads to sedimentation of federally authorized commercial harbors, channel maintenance project sites, and areas of concern. Projects funded under this subsection must—

(A) be proposed by a State or States, or proposed by a State or States at the request of a remedial action planning committee, local government, port authority, or any other governmental, public, or private entity;

(B) be consistent with the nonpoint source pollution control program of each recipient State, the guidance issued pursuant to section 6217(g) of the Omnibus Budget Reconciliation Act of 1990 (16 U.S.C. 1455b(g)), and the recommendations of any relevant Remedial Action Plans and Lakewide Management Plans;

(C) be administered by agencies designated in the nonpoint source management program of the State;

(D) improve water quality; and

(E) have the potential to reduce projected dredging costs, including environmental dredging, in an amount comparable to the cost of the erosion control project, within the lifetime of the dredging project.

(3) STATE GRANTS.—To carry out a project under this subsection, a State may award grants from funds made available under a project funded under this subsection for the implementation of an erosion control measure. The amount of any such grant may not exceed 75 percent of the cost of carrying out such erosion control measure.

(4) ADMINISTRATION OF GRANTS.—

(A) IN GENERAL.—Grants under this section shall be in such amounts and subject to such conditions as the Secretary, with the concurrence of the Administrator, shall determine.

(B) FEDERAL SHARE.—The Federal share of a grant made under this subsection shall be an amount equal to 75 percent of the cost of the project funded by the grant.

(C) STATE SHARE.—The State share of a grant made under this subsection shall be provided from non-Federal sources.

(c) AUTHORIZATION.—There is authorized to be appropriated to Secretary to carry out subsections (a) and (b) $15,000,000 per fiscal year for each of fiscal years 1994, 1995, 1996, 1997, 1998, and 1999. Not less than 50 percent of such amounts shall be reserved for the implementation of subsection (b)(2).

(d) DEFINITIONS.—For the purposes of this section, the following definitions apply:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) AREA OF CONCERN.—The term ''area of concern'' means a geographic area located within the Great Lakes in which beneficial uses are impaired and which has been officially designated as such under Annex 2 of the Great Lakes Water Quality Agreement.

(3) GREAT LAKES STATES.—The term ''Great Lakes States'' means the States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin.

(4) GREAT LAKES WATER QUALITY AGREEMENT.—The term ''Great Lakes Water Quality Agreement'' means the bilateral agreement between the United States and Canada which was signed in 1978 and amended by the Protocol of 1987.

(5) LAKEWIDE MANAGEMENT PLAN.—The term ''Lakewide Management Plan'' means a written document which embodies a systematic and comprehensive ecosystem approach to restoring and protecting the beneficial uses of the open waters of each of the Great Lakes, in accordance with article VI and Annex 2 of the Great Lakes Water Quality Agreement.

(6) REMEDIAL ACTION PLAN.—The term ''Remedial Action Plan'' means a written document which embodies a systematic and comprehensive ecosystem approach to restoring and protecting the beneficial uses of areas of concern in accordance with article VI and Annex 2 of the Great Lakes Water Quality Agreement.

(7) REMEDIAL ACTION PLANNING COMMITTEE.—The term ''remedial action planning committee'' means a committee that is in-

volved in the development of a Remedial Action Plan.

SEC. 359. WINFIELD, BUFFALO, AND ELEANOR, WEST VIRGINIA.

(a) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to the towns of Winfield, Buffalo, and Eleanor, West Virginia, for the purpose of assisting the residents of such towns in analyzing and understanding the remedial options available for dealing with substances posing a risk to the environment at the Corps of Engineers lock and dam construction site in the vicinity of Winfield, West Virginia.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $100,000 for fiscal years beginning after September 30, 1992. Such sums shall remain available until expended.

SEC. 360. DEBARMENT OF PERSONS CONVICTED OF FRAUDULENT USE OF "MADE IN AMERICA" LABELS.

If the Secretary determines that a person has been convicted of intentionally affixing a label bearing a ''Made in America'' inscription to any product sold in or shipped to the United States which is not made in the United States and which is used in a civil works project of the Secretary, the Secretary shall debar the person from contracting with the Federal Government for a period of not less than 3 years and not more than 5 years. For purposes of this section, the term ''debar'' has the meaning that term has under section 2393(c) of title 10, United States Code.

SEC. 361. LAND CONVEYANCE, CITY OF FORT SMITH, ARKANSAS.

The Secretary may convey to the city of Fort Smith, Arkansas, all right, title, and interest of the United States (excluding all oil, gas, and other minerals and subject to existing encumbrances) in and to a tract of real property (including improvements thereon) of approximately 400 acres located adjacent to the city and under the jurisdiction of the Secretary. Such conveyance shall be subject to terms and conditions agreed to between the Secretary and the city and to such other terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

SEC. 362. RAHWAY RIVER, NEW JERSEY.

The Secretary is authorized to conduct a study on flooding problems along the Rahway River, township of Woodbridge and city of Rahway, New Jersey, and to implement such measures as the Secretary determines feasible in the interest of flood control along the Rahway River and the South Branch of the Rahway River.

SEC. 363. RIVERINE LABORATORY AND ENVIRONMENTAL TECHNOLOGY MANAGEMENT CENTER.

(a) COOPERATIVE AGREEMENT.—The Secretary is authorized to enter into a cooperative agreement with Fairleigh Dickinson University to provide financial assistance for the costs of constructing and equipping a center for training specialists in managing large-scale technology efforts in water resources and other program areas to improve the effective use of resources. The center shall be located in Madison, New Jersey, and shall be known and designated as the ''Riverine Laboratory and Environmental Technology Management Center''.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $8,500,000 for fiscal years beginning after September 30, 1992. Such sums shall remain available until expended.

SEC. 364. SAN FRANCISCO BAY, CALIFORNIA.

The Secretary is authorized to participate as an active Federal member in the Memorandum of Understanding for the Interagency Ecological Study Program for implementation of the monitoring requirements in the San Francisco Bay—Delta Estuary, California, dated October 19, 1990, and March 9, 1992, including the coordination, conduction, and transfer of funds, equipment, and personnel between the cooperating agencies.

SEC. 365. FLOOD WARNING RESPONSE SYSTEM.

Section 17(a) of the Water Resource Development Act of 1988 (102 Stat. 4026) is amended by striking ''consistent'' and all that flows through ''1986'' and inserting ''at full Federal expense''.

SEC. 366. WOODBRIDGE CREEK, NEW JERSEY.

The Secretary is authorized and directed to carry out a project for the removal of silt and for the control of point and nonpoint sources of pollution from Woodbridge Creek, New Jersey.

SEC. 367. Section 101(n) of Public Law 99–500 (100 Stat. 1783–345) and section 101 of Public Law 99–591 (100 Stat. 3341–345) are each amended by striking: ''*Provided*, That in'' and all that follows through ''and Marine Creek''.

SEC. 368. RELEASE OF CERTAIN USE RESTRICTION.

(a) RELEASE.—Notwithstanding any other provision of law, the Tennessee Valley Authority is authorized and directed to grant a release or releases, without monetary consideration, from the restriction and covenant which requires that property described in subsection (b) shall at all times be used solely for the purpose of erecting docks and buildings for shipbuilding purposes or for the manufacture or storage of products for the purpose of trading or shipping in transportation.

(b) DESCRIPTION OF PROPERTY.—This section shall apply only to those lands situated in the city of Decatur, Morgan County, Alabama, and described in an indenture conveying such lands to the Ingalls Shipbuilding Corporation dated July 29, 1954, and recorded in Deed Book 535 at page 6 in the office of the Probate Judge of Morgan County, Alabama, which are owned or may hereafter be acquired by the city of Decatur, Alabama.

SEC. 369. FORT POINT, GALVESTON, TEXAS.

(a) CONSTRUCTION OF INTERAGENCY CHILD CARE FACILITY.—Notwithstanding any other provision of law, the Secretary is authorized by contract or otherwise to construct, establish, equip, maintain, and operate (or assist in constructing, equipping, maintaining, and operating) an interagency child care facility at Fort Point, Galveston, Texas, on Federal property under the management and control of the Galveston District, United States Army Corps of Engineers. The purpose of such facility shall be to provide child care services for children who are members of households of Federal employees.

(b) FEES, TRANSFERS, AND ACCEPTANCE OF DONATIONS.—

(1) FEES.—The Secretary is authorized to establish or provide for the establishment of appropriate fees and charges to be chargeable against the Galveston District, United States Army Corps of Engineers, employees and others who are beneficiaries of the services provided by the child care facility to be constructed under this section.

(2) TRANSFERS.—A Federal agency may transfer to the Secretary for use in connection with the child care facility to be constructed under this section amounts available to the agency for child care services.

(3) DONATIONS.—The Secretary is authorized to accept donations of money, equipment, and other property for use in connection with the child care facility to be constructed under this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section for fiscal years beginning after September 30, 1992, $1,500,000. Such sums shall remain available until expended.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. MURTHA, announced that the yeas had it.

Mr. HAMMERSCHMIDT demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 326 / Nays 87

¶111.26 [Roll No. 418]

AYES—326

Abercrombie	Eckart	LaRocco
Ackerman	Edwards (CA)	Laughlin
Alexander	Edwards (TX)	Leach
Anderson	Emerson	Lehman (CA)
Andrews (ME)	Engel	Lent
Andrews (NJ)	English	Levin (MI)
Andrews (TX)	Erdreich	Levine (CA)
Annunzio	Espy	Lewis (CA)
Anthony	Evans	Lewis (GA)
Applegate	Fascell	Lightfoot
Aspin	Fazio	Lipinski
Bacchus	Feighan	Livingston
Baker	Fish	Lloyd
Bateman	Flake	Long
Beilenson	Ford (MI)	Lowery (CA)
Bennett	Ford (TN)	Lowey (NY)
Bentley	Frost	Luken
Berman	Gallegly	Machtley
Bevill	Gallo	Manton
Bilbray	Gaydos	Markey
Bliley	Gejdenson	Marlenee
Boehlert	Gephardt	Martin
Bonior	Geren	Martinez
Borski	Gibbons	Matsui
Boucher	Gilchrest	Mavroules
Boxer	Gillmor	Mazzoli
Brewster	Gilman	McCandless
Brooks	Gingrich	McCloskey
Browder	Gonzalez	McCrery
Brown	Gordon	McCurdy
Bruce	Grandy	McDade
Bryant	Green	McDermott
Bustamante	Guarini	McEwen
Byron	Gunderson	McHugh
Callahan	Hall (OH)	McMillan (NC)
Cardin	Hall (TX)	McMillen (MD)
Carper	Hamilton	McNulty
Carr	Hammerschmidt	Mfume
Chapman	Harris	Miller (CA)
Clay	Hayes (IL)	Miller (OH)
Clement	Hefner	Mineta
Clinger	Herger	Mink
Coleman (MO)	Hertel	Moakley
Coleman (TX)	Hoagland	Molinari
Collins (IL)	Hobson	Mollohan
Collins (MI)	Hochbrueckner	Montgomery
Condit	Holloway	Moody
Cooper	Hopkins	Moorhead
Costello	Horn	Moran
Coughlin	Houghton	Morella
Cox (IL)	Hoyer	Morrison
Coyne	Huckaby	Mrazek
Cramer	Hughes	Murphy
Cunningham	Hutto	Murtha
Darden	Hyde	Myers
Davis	Inhofe	Nagle
de la Garza	James	Natcher
DeFazio	Jefferson	Neal (NC)
DeLauro	Jenkins	Nowak
Dellums	Johnson (SD)	Nussle
Derrick	Johnston	Oakar
Dickinson	Kanjorski	Oberstar
Dicks	Kaptur	Obey
Dingell	Kennedy	Olin
Dixon	Kennelly	Ortiz
Donnelly	Kildee	Owens (NY)
Dooley	Kleczka	Owens (UT)
Doolittle	Kolter	Packard
Dorgan (ND)	Kopetski	Pallone
Dornan (CA)	Kostmayer	Panetta
Downey	LaFalce	Parker
Durbin	Lagomarsino	Pastor
Dwyer	Lancaster	Patterson
Early	Lantos	Paxon

Payne (NJ)	Santorum	Tallon
Payne (VA)	Sarpalius	Tanner
Pelosi	Savage	Tauzin
Perkins	Sawyer	Taylor (MS)
Peterson (FL)	Saxton	Thomas (CA)
Peterson (MN)	Scheuer	Thomas (GA)
Petri	Schiff	Thornton
Pickett	Schroeder	Torres
Pickle	Schumer	Torricelli
Poshard	Serrano	Towns
Price	Sharp	Traficant
Pursell	Shaw	Traxler
Quillen	Shuster	Unsoeld
Rahall	Sikorski	Valentine
Ravenel	Sisisky	Vander Jagt
Ray	Skaggs	Visclosky
Reed	Skeen	Volkmer
Regula	Skelton	Vucanovich
Richardson	Slaughter	Walsh
Ridge	Smith (FL)	Washington
Riggs	Smith (IA)	Waters
Rinaldo	Smith (NJ)	Waxman
Roe	Solarz	Weldon
Rogers	Spence	Wheat
Ros-Lehtinen	Spratt	Whitten
Rose	Staggers	Williams
Rostenkowski	Stallings	Wilson
Roth	Stark	Wise
Roukema	Stenholm	Wolpe
Rowland	Stokes	Wyden
Roybal	Studds	Yates
Russo	Sundquist	Yatron
Sabo	Swett	Young (AK)
Sanders	Swift	Zeliff
Sangmeister	Synar	

NOES—87

Allard	Gekas	Oxley
Allen	Glickman	Pease
Archer	Goodling	Porter
Armey	Goss	Ramstad
Atkins	Gradison	Rhodes
Ballenger	Hancock	Ritter
Barrett	Hansen	Roberts
Barton	Hastert	Roemer
Bereuter	Hefley	Rohrabacher
Bilirakis	Henry	Schaefer
Boehner	Hubbard	Sensenbrenner
Broomfield	Hunter	Shays
Bunning	Ireland	Slattery
Burton	Johnson (CT)	Smith (OR)
Camp	Johnson (TX)	Smith (TX)
Campbell (CA)	Jontz	Snowe
Coble	Kasich	Solomon
Combest	Klug	Stearns
Cox (CA)	Kolbe	Stump
Crane	Kyl	Taylor (NC)
Dannemeyer	Lewis (FL)	Thomas (WY)
DeLay	McCollum	Upton
Dreier	Meyers	Vento
Duncan	Michel	Walker
Ewing	Miller (WA)	Weber
Fawell	Neal (MA)	Wolf
Fields	Nichols	Wylie
Frank (MA)	Olver	Young (FL)
Franks (CT)	Orton	Zimmer

NOT VOTING—19

AuCoin	Edwards (OK)	Lehman (FL)
Barnard	Foglietta	McGrath
Blackwell	Hatcher	Penny
Campbell (CO)	Hayes (LA)	Rangel
Chandler	Horton	Schulze
Conyers	Jacobs	
Dymally	Jones	

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶111.27 AUTHORIZING FURTHER POSTPONEMENT TO SUSPEND THE RULES

Mr. MOAKLEY, by direction of the Committee on Rules, reported (Rept. No. 102–898) the resolution (H. Res. 577) authorizing further postponement of proceedings on the question of agreeing to a certain motion to suspend the rules.

When said resolution and report were referred to the House Calendar and ordered printed.

¶111.28 COMMUNITY ENVIRONMENTAL RESPONSE FACILITIES

On motion of Mr. SWIFT, by unanimous consent, the bill (H.R. 4016) to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to require the Federal government, before termination of Federal Activities on any real property owned by the Government, to identify real property where no hazardous substance was stored, released, or disposed of; together with the amendments of the Senate thereto, was taken from the Speaker's table.

When on motion of Mr. SWIFT, it was,

Resolved, That the House disagree to the amendments of the Senate and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

Thereupon, the SPEAKER pro tempore, Mr. PARKER, by unanimous consent, announced the appointment of the following Members as managers on the part of the House at said conference:

From the Committee on Energy and Commerce, for consideration of the House bill, and Senate amendments, and modifications committed to conference: Messrs. DINGELL, SWIFT, ECKART, SLATTERY, SIKORSKI, LENT, RITTER, and RINALDO;

As additional conferees from the Committee on Public Works and Transportation, for consideration of the House bill, and Senate amendments, and modifications committed to conference: Messrs. ROE, NOWAK, and HAMMERSCHMIDT;

As additional conferees from the Committee on Armed Services, for consideration of Senate amendments numbered 1 through 4, and modifications committed to conference: Mr. ASPIN and Mr. RAY.

By unanimous consent, the Speaker reserved the authority to make additional appointments of conferees and to specify particular portions of the House bill and Senate amendments as the subjects of the various appointments.

Ordered, That the Clerk notify the Senate thereof.

¶111.29 PERMISSION TO FILE CONFERENCE REPORT

On motion of Mr. NATCHER, by unanimous consent, the managers on the part of the House were granted permission until midnight tonight to file a conference report (Rept. No. 102–899) on the bill (H.R. 5517) making appropriations for the government of the District of Columbia for the fiscal year ending September 30, 1993, and for other purposes; together with a statement thereon, for printing in the Record under the rule.

¶111.30 PERMISSION TO FILE CONFERENCE REPORT

On motion of Mr. NATCHER, by unanimous consent, the managers on the part of the House were granted permission until midnight tonight to file a conference report on the bill (H.R. 5679) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1993, and for other purposes; together with a statement thereon, for printing in the Record under the rule.

¶111.31 PERMISSION TO FILE CONFERENCE REPORT

On motion of Mr. NATCHER, by unanimous consent, the managers on the part of the House were granted permission until midnight tonight to file a conference report on the bill (H.R. 5503) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1993, and for other purposes; together with a statement thereon, for printing in the Record under the rule.

¶111.32 ORDER OF BUSINESS—CONSIDERATION OF CONFERENCE REPORT AND AMENDMENTS IN DISAGREEMENT—H.R. 5428

On motion of Mr. NATCHER, by unanimous consent,

Ordered, That, notwithstanding the provisions of clause 2 of rule XXVIII, it may be in order on Thursday, September 24, 1992, or any day thereafter, for the House to consider the conference report, amendments in disagreement, and motions to dispose of amendments in disagreement on the bill (H.R. 5428) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1993, and for other purposes; and that the conference report, amendments in disagreement, and motions printed in the joint explanatory statement of the committee of conference to dispose of amendments in disagreement be considered as read when called up for consideration.

¶111.33 ORDER OF BUSINESS—CONSIDERATION OF CONFERENCE REPORT AND AMENDMENTS IN DISAGREEMENT—H.R. 5517

On motion of Mr. NATCHER, by unanimous consent,

Ordered, That, notwithstanding the provisions of clause 2 of rule XXVIII, it may be in order on Thursday, September 24, 1992, or any day thereafter, for the House to consider the conference report, amendments in disagreement, and motions to dispose of amendments in disagreement to the bill (H.R. 5517) making appropriations for the government of the District of Columbia for the fiscal year ending September 30, 1993, and for other purposes; and that the conference report, amendments in disagreement, and motions printed in the joint explanatory statement of the committee of conference to dispose of amendments in disagreement be considered as read when called up for consideration.

¶111.34 HOUSING AND COMMUNITY DEVELOPMENT ACT

On motion of Mr. GONZALEZ, by unanimous consent, the bill (H.R. 5334) to amend and extend certain laws relating to housing and community development, and for other purposes; together with the amendment of the Senate thereto, was taken from the Speaker's table.

When on motion of Mr. GONZALEZ, it was,

Resolved, That the House disagree to the amendment of the Senate and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

Thereupon, the SPEAKER pro tempore, Mr. PARKER, by unanimous consent, announced the appointment of the following Members as managers on the part of the House at said conference:

From the Committee on Banking, Finance and Urban Affairs, for consideration of the House bill, and the Senate amendment, and modifications committed to conference: Mr. GONZALEZ, Ms. OAKAR, and Messrs. VENTO, SCHUMER, FRANK of Massachusetts, and WYLIE, Mrs. Roukema, and Mr. BEREUTER;

As additional conferees from the Committee on Education and Labor, for consideration of sections 165 and 912 of the House bill, and sections 946, 1011(a) and (e), 1012(h)–(j), 1021, and 1023 of the Senate amendment, and modifications committed to conference: Messrs. FORD of Michigan, GAYDOS, and HENRY;

As additional conferees from the Committee on Energy and Commerce, for consideration of sections 1011(g), 1015, 1022, 1031, 1032, and 1056 of the Senate amendment, and modifications committed to conference: Messrs. DINGELL, SWIFT, WAXMAN, ECKART, SIKORSKI, LENT, DANNEMEYER, and RITTER; and

As additional conferees from the Committee on Energy and Commerce, for consideration of sections 1021 and 1023 of the Senate amendment, and modifications committed to conference: Messrs. DINGELL, SWIFT, and LENT.

By unanimous consent, the Speaker reserved the authority to make additional appointments of conferees and to specify particular portions of the House bill and Senate amendment as the subjects of the various appointments.

Ordered, That the Clerk notify the Senate thereof.

¶111.35 INVESTMENT ADVISER OVERSIGHT

On motion of Mr. BOUCHER, by unanimous consent, the bill of the Senate (S. 2266) to provide for recovery of costs of supervision and regulation of investment advisers and their activities, and for other purposes; was taken from the Speaker's table.

When said bill was considered and read twice.

Mr. BOUCHER submitted the following amendment which was agreed to:

Strike out all after the enacting clause and insert the provisions of H.R. 5726, as passed by the House.

The bill, as amended, was ordered to be read a third time, was read a third time by title, and passed.

By unanimous consent, the title was amended so as to read: ''An Act to amend the Investment Advisers Act of 1940 to improve the supervision of investment advisers, to provide additional investor protections, and for other purposes.''.

A motion to reconsider the votes whereby said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said amendments.

By unanimous consent, H.R. 5726, a similar House bill, was laid on the table.

¶111.36 ORDER OF BUSINESS—POSTPONEMENT OF VOTES ON SUSPENSIONS

The SPEAKER pro tempore, Mr. PARKER, by unanimous consent, announced that, pursuant to the provisions of clause 5(b)(1) of rule I, the votes on the motions to suspend the rules were further postponed until Thursday, September 24, 1992.

¶111.37 SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1731. An Act to set forth the policy of the United States with respect to Hong Kong, and for other purposes; and

S. 3175. An Act to improve the administrative provisions and make technical corrections in the National and Community Service Act of 1990.

¶111.38 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. FOGLIETTA, for September 22, 23, 24, and 25;

To Mr. MYERS, for today until 12:30 p.m.; and

To Mr. BLACKWELL, for today.

And then,

¶111.39 ADJOURNMENT

On motion of Mr. REGULA, at 10 o'clock and 46 minutes p.m., the House adjourned.

¶111.40 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 4542. A bill to prevent and deter auto theft; with amendments (Rept. No. 102–851, Pt. 3). Referred to the Committee of the Whole House on the State of the Union.

Mr. STUDDS: Committee on Merchant Marine and Fisheries. H.R. 5324. A bill to authorize appropriations for the National Oceanic and Atmospheric Administration Fleet Replacement and Modernization Program for fiscal years 1993 through 1997; with an amendment (Rept. No. 102–896). Referred to the Committee of the Whole House on the State of the Union.

Mr. ASPIN: Committee on Armed Services. H.R. 4481. A bill to amend title 10, United States Code, to revise and standardize the provisions of law relating to appointment, promotion, and separation of commissioned officers of the Reserve components of the Armed Forces, to consolidate in a new subtitle the provisions of law relating to the Reserve components, and for other purposes; with an amendment (Rept. No. 102–897). Referred to the Committee of the Whole House on the State of the Union.

Mr. FROST: Committee on Rules. House Resolution 577. Resolution authorizing further postponement of proceedings on the question of agreeing to a certain motion to suspend the rules. (Rept. No. 102–898). Referred to the House Calendar.

Mr. DIXON: Committee on Appropriations. Conference Report on H.R. 5517 (Rept. No. 102–899). Ordered to be printed.

Mr. BROOKS: Committee on the Judiciary. H.R. 2357. A bill to amend title 28, United States Code, relating to jurisdictional immunities of foreign states, to grant the jurisdiction of the courts of the United States in certain cases involving tortious conduct occurring in a foreign state; with amendments (Rept. No. 102–900). Referred to the Committee of the Whole House on the State of the Union.

¶111.41 PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CALLAHAN (for himself and Mr. ALLEN):

H.R. 5997. A bill to prohibit the expenditure of Federal funds for constructing or modifying highway signs that are expressed only in metric system measurements; to the Committee on Public Works and Transportation.

By Mr. PARKER:

H.R. 5998. A bill for the relief of the Wilkinson County School District, in the State of Mississippi; to the Committee on the Judiciary.

By Mr. BAKER (for himself and Mr. BACCHUS):

H.R. 5999. A bill to relieve the regulatory burden on depository institutions and credit unions that are doing business or that seek to do business in an emergency or major disaster area, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BARNARD (for himself, Mr. THOMAS of Georgia, Mr. ROWLAND, Mr. DARDEN, Mr. LEWIS of Georgia, Mr. HATCHER, Mr. GINGRICH, and Mr. RAY):

H.R. 6000. A bill to redesignate Springer Mountain National Recreation Area as ''Ed Jenkins National Recreation Area''; to the Committee on Agriculture.

By Mr. CARR (for himself and Mr. SHARP):

H.R. 6001. A bill to amend the Motor Vehicle Information and Cost Savings Act; to the Committee on Energy and Commerce.

By Mr. CHANDLER (for himself and Mr. MCDERMOTT):

H.R. 6002. A bill to treat health professionals who are faculty members at a dental school and who operate an intramural dental faculty practice plan at such school as paid by a common paymaster for purposes of Social Security taxes; to the Committee on Ways and Means.

By Mr. GOODLING (for himself, Mr. MICHEL, Mr. GINGRICH, Mr. HYDE, Mr.

SHAW, Mrs. JOHNSON of Connecticut, Mr. GRANDY, Mr. BEREUTER, and Mr. HENRY):

H.R. 6003. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for the adoption of flexible family leave policies by employers; to the Committee on Ways and Means.

By Mr. HAMMERSCHMIDT (for himself, Mr. ROE, Mr. NOWAK, and Mr. PETRI):

H.R. 6004. A bill to amend the Federal Water Pollution Control Act to extend the deadline by which permits for discharges for municipal and industrial stormwater discharges are required until October 1, 1994; to the Committee on Public Works and Transportation.

By Mr. JACOBS:

H.R. 6005. A bill to prohibit States and localities from receiving certain Federal economic development assistance if the State or locality provides improper incentives for location of businesses or organizations within the State or locality; jointly, to the Committees on Banking, Finance and Urban Affairs and Public Works and Transportation.

By Mr. LAGOMARSINO (for himself, Mr. HANSEN, Mr. SMITH of Oregon, Mr. DUNCAN, Mr. HEFLEY, Mr. TAYLOR of North Carolina, and Mr. GALLEGLY):

H.R. 6006. A bill to provide for the reformation of the National Park System, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. LIPINSKI:

H.R. 6007. A bill to amend the Civil Rights Act of 1964 to provide a remedy for individuals harmed by past test norming related to employment; to the Committee on Education and Labor.

By Mrs. LOWEY of New York (for herself and Mr. SHAYS):

H.R. 6008. A bill to enhance local law enforcement efforts; to the Committee on the Judiciary.

By Mr. VENTO:

H.R. 6009. A bill to amend the Internal Revenue Code of 1986 to allow individuals to designate any portion of their income tax overpayments, and to make other contributions, for deficit reduction; to the Committee on Ways and Means.

By Mr. WISE:

H.R. 6010. A bill to reform the program of Aid to Families With Dependent Children; jointly, to the Committees on Ways and Means, Energy and Commerce, and Education and Labor.

By Mr. ZIMMER (for himself and Mr. GALLO):

H.R. 6011. A bill to direct the Secretary of the Interior to conduct a study on the suitability and feasibility of establishing the Thomas Nast Home in New Jersey as a unit of the National Park System; to the Committee on Interior and Insular Affairs.

By Mr. SOLARZ:

H. Con. Res. 361. Concurrent resolution condemning the persecution of Cuban poet Maria Elena Cruz Varela, and for other purposes; to the Committee on Foreign Affairs.

¶111.42 PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. ROSE introduced a bill (H.R. 6012) for the relief of Donald W. Sneeden, Mary S. Sneeden, and Henry C. Best; which was referred to the Committee on the Judiciary.

¶111.43 ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 73: Mr. TANNER, Mr. TRAXLER, Mr. EDWARDS of California, Mr. SPRATT, Mr. PANETTA, Ms. DELAURO, Mr. ROYBAL, Mr. MYERS of Indiana, Mr. ABERCROMBIE, Mr. MONTGOMERY, Mr. PETERSON of Florida, Mr. DARDEN, Mr. MAZZOLI, Mr. LAROCCO, Mr. CRAMER, Mr. SABO, Mr. MCCRERY, Mr. CALLAHAN, Mr. BILIRAKIS, Mr. BROWN, Mr. HOUGHTON, Mr. TORRICELLI, Mr. COSTELLO, Mr. MORAN, Mr. RICHARDSON, Mr. HUNTER, Mr. EWING, Mr. SPENCE, Mr. MCDERMOTT, Mr. ROEMER, Mr. FIELDS, Mr. GEREN of Texas, Mr. TORRES, Mr. FRANKS of Connecticut, Mr. MARTINEZ, Mr. HOBSON, Mr. CONYERS, Ms. KAPTUR, Mr. WHITTEN, Mr. FAZIO, Mr. PASTOR, Mr. LEACH, Mr. SAXTON, Mr. VANDER JAGT, Mr. HOAGLAND, and Mr. AUCOIN.

H.R. 504: Mr. KLUG.

H.R. 643: Ms. KAPTUR.

H.R. 791: Mr. SHAYS.

H.R. 1502: Mr. SMITH of New Jersey and Mr. MOAKLEY.

H.R. 1696: Mr. MINETA.

H.R. 2106: Mr. MAZZOLI.

H.R. 2400: Mr. HATCHER, Mr. TALLON, Mr. BLILEY, Mr. COOPER, Mr. GUNDERSON, and Mr. SWIFT.

H.R. 2580: Mrs. COLLINS of Michigan.

H.R. 2594: Mr. SISISKY.

H.R. 3217: Mr. STEARNS.

H.R. 3627: Mr. SUNDQUIST.

H.R. 3826: Mr. BEREUTER, Mrs. COLLINS of Michigan, Mr. DIXON, Mr. ENGLISH, Mr. MARTINEZ, Mr. MCCLOSKEY, Mrs. MORELLA, Mr. SABO, Mr. SANDERS, Mr. TORRES, and Mr. VALENTINE.

H.R. 4182: Mr. COX of California.

H.R. 4255: Mr. FORD of Michigan, Mr. MARKEY, Mr. RAVENEL, and Mr. SAWYER.

H.R. 4300: Mr. MARKEY.

H.R. 4472: Mr. SHAYS.

H.R. 4538: Mr. ACKERMAN, Ms. MOLINARI, and Mrs. COLLINS of Michigan.

H.R. 4558: Mrs. MINK.

H.R. 4725: Mr. HAYES of Illinois.

H.R. 4897: Mr. BUSTAMANTE.

H.R. 5020: Mr. SHAYS, Mr. MCNULTY, and Mr. LEWIS of Florida.

H.R. 5443: Mr. KLUG, Mr. SENSENBRENNER, and Mr. BARTON of Texas.

H.R. 5476: Mr. BLACKWELL, Mr. BLAZ, Mr. EWING, Mr. FRANK of Massachusetts, Mr. HAYES of Louisiana, Ms. HORN, Mr. MAZZOLI, Mr. PARKER, Mr. STARK, and Mr. WYLIE.

H.R. 5501: Mr. ROTH.

H.R. 5539: Mr. JOHNSON of Texas, Mr. GUNDERSON, and Mr. MCEWEN.

H.R. 5550: Mr. STEARNS.

H.R. 5551: Mr. STEARNS.

H.R. 5553: Mr. STEARNS.

H.R. 5554: Mr. STEARNS.

H.R. 5626: Mr. SHAYS.

H.R. 5720: Mr. WELDON.

H.R. 5733: Mr. HYDE.

H.R. 5745: Mr. TANNER.

H.R. 5790: Mr. DREIER of California and Mr. SENSENBRENNER.

H.R. 5823: Mr. EMERSON and Mrs. JOHNSON of Connecticut.

H.R. 5828: Mr. MONTGOMERY and Mr. JACOBS.

H.R. 5872: Mr. STUDDS and Mr. SYNAR.

H.R. 5897: Mr. GALLEGLY, Mr. OXLEY, and Mr. LIPINSKI.

H.R. 5928: Mr. MORAN.

H.R. 5948: Mr. ANDERSON, Mr. BAKER, Mr. LEWIS of Florida, Mr. BURTON of Indiana, Mr. ROBERTS, and Mr. MCNULTY.

H.J. Res. 431: Mr. MCDERMOTT and Mr. DICKINSON.

H.J. Res. 469: Mr. DURBIN, Mr. WASHINGTON, and Mr. MOORHEAD.

H.J. Res. 495: Mr. HASTERT, Mr. BRYANT, Mr. HANSEN, Mr. KLECZKA, Mr. MACHTLEY, Ms. KAPTUR, Mr. DINGELL, Mr. RAHALL, Mr. SYNAR, Mr. KENNEDY, and Mr. LAUGHLIN.

H.J. Res. 523: Mr. GILLMOR, Ms. KAPTUR, Mr. DORGAN of North Dakota, Mr. BILBRAY, Mr. CALLAHAN, Mr. FOGLIETTA, Mr. GUNDERSON, Mr. HASTERT, Mr. HYDE, Mr. JOHNSON of South Dakota, Mr. KANJORSKI, Mr. MCDADE, Mrs. MEYERS of Kansas, Mr. MILLER of Ohio, Mr. NEAL of Massachusetts, Mr. OBERSTAR, Mr. ORTON, Mr. PACKARD, Mr. PERKINS, Mr. PORTER, Mr. PURSELL, Mr. RAVENEL, Mr. RINALDO, Mr. SMITH of New Jersey, Mr. SWETT, Mr. TAUZIN, Mr. SMITH of Oregon, Mrs. JOHNSON of Connecticut, Mr. RHODES, Mr. YOUNG of Alaska, Mr. ANDREWS of New Jersey, Mr. AUCOIN, Mr. DICKS, and Mr. LEWIS of Florida.

H.J. Res. 531: Mr. MANTON, Mr. LAROCCO, Mr. BOEHLERT, Mr. CARPER, Mr. DELAY, Mr. DOOLITTLE, Mr. DUNCAN, Mr. FRANK of Massachusetts, Mr. GILCHREST, Mr. GREEN of New York, Mr. HASTERT, Mr. HENRY, Mr. HOLLOWAY, Mrs. JOHNSON of Connecticut, Mr. KASICH, Mr. LAUGHLIN, Mr. LIGHTFOOT, Mrs. LLOYD, Ms. MOLINARI, Mr. RAVENEL, Mr. RICHARDSON, Mr. SARPALIUS, Mr. SHAW, Mr. SMITH of New Jersey, Mr. THOMAS of California, Mr. YOUNG of Florida, Mr. LANTOS, Ms. HORN, Mr. BAKER, Mr. EDWARDS of Oklahoma, Mr. FAZIO, Mr. HUNTER, Mr. KANJORSKI, Mr. KOLBE, Mr. NEAL of Massachusetts, Ms. PELOSI, Mrs. VUCANOVICH, Mr. MCHUGH, Mr. MORAN, and Mr. NATCHER.

H.J. Res. 532: Mr. LAUGHLIN.

H.J. Res. 538: Mr. WASHINGTON, Mr. COLEMAN of Texas, Mr. MCHUGH, Mr. CONYERS, and Mr. MANTON.

H.J. Res. 540: Mr. STALLINGS and Mr. BALLENGER.

H.J. Res. 546: Mr. DINGELL, Mr. FAWELL, Mr. ROWLAND, and Mr. REGULA.

H.J. Res. 548: Mr. SERRANO, Mr. MRAZEK, Mr. BLACKWELL, Mr. MANTON, Mr. WAXMAN, Mr. MATSUI, Mr. MOAKLEY, Mr. SMITH of Florida, Mr. JACOBS, Mr. BEILENSON, Mr. PENNY, Mrs. MORELLA, Mr. MCDERMOTT, Mr. SLATTERY, Mr. LEHMAN of Florida, Mr. JONTZ, Mr. PALLONE, Mr. YATES, Mrs. UNSOELD, Mr. SAWYER, Mr. ACKERMAN, Mr. CARDIN, and Mr. PAYNE of New Jersey.

H.J. Res. 550: Mr. HYDE, Mr. SANGMEISTER, and Mr. EVANS.

H.J. Res. 551: Mr. STEARNS, Mr. MILLER of California, Mr. LAUGHLIN, Mr. MANTON, Mr. HAMMERSCHMIDT, Mr. GUARINI, Mr. DE LA GARZA, Mr. MCNULTY, Mr. FISH, Mr. HORTON, Mr. MRAZEK, Ms. SLAUGHTER, Mr. SABO, Mr. SOLOMON, Mr. PETERSON of Florida, Mr. KASICH, Mr. JONTZ, Mrs. LOWEY of New York, Mr. OWENS of New York, Mr. TOWNS, Mr. SPENCE, and Mr. MFUME.

H. Con. Res. 223: Mr. SAWYER.

H. Con. Res. 324: Mr. GREEN of New York.

H. Res. 470: Mr. KILDEE and Mr. CRAMER.

H. Res. 515: Mr. ACKERMAN and Mr. SERRANO.

H. Res. 538: Mr. SKEEN, Mr. SAWYER, and Mr. MCDERMOTT.

THURSDAY, SEPTEMBER 24, 1992 (112)

The House was called to order by the SPEAKER.

¶112.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Wednesday, September 23, 1992.

Pursuant to clause 1, rule I, the Journal was approved.

¶112.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 2, rule XXIV, were referred as follows:

4317. A letter from the Director, Test and Evaluation, Department of Defense, transmitting notification of one additional fiscal year 1992 test project, pursuant to 10 U.S.C. 2350a(g); to the Committee on Armed Services.